

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
FIRST EXTRAORDINARY SESSION, 1986
VOL. I



GEORGE C. WALLACE, Governor
WILLIAM J. BAXLEY, Lieutenant Governor
JOHN A. TEAGUE, President Pro-Tem of the Senate
TOM DRAKE, Speaker of the House
ROY JOHNSON, SPEAKER Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1986 First Extraordinary Session of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State

Hammurabi, the King of Babylon, initiated a practice some 4000 years ago which has become a cornerstone of democratic government—a written code of laws. This ancient concept of the public's right to know is acknowledged and protected by the "due process clause" of the Fourteenth Amendment of the United States Constitution, the Alabama Constitution, and the Code of Alabama, which require that Alabama's laws be published and made available to the public.

However, because the laws are available to the public does not necessarily mean that they are accessible. It is said that one of the hateful acts of the ill-famed Roman Emperor Caligula was that of having the laws inscribed on a pillar so high that the people could not read them. In an effort to lower the "pillar" a tiny notch, and thereby make our laws slightly more accessible for those who are regular users of the Alabama Acts, a new numbering system was initiated in the 1979 session.

Under this system every act of the Legislature, regardless of the type of session which it was enacted, is numbered sequentially in the order received by the Secretary of State. Numbering begins at the commencement of each calendar year and incorporates a two digit prefix corresponding to the last two digits of the year of enactment. For example, the first act received from the Governor in 1983 is designated as Alabama Act 83-1, the second act is 83-2, and so forth.

People behind the scenes who made publication of these volumes possible include: McDowell Lee, Secretary of the Senate; John Pemberton, Clerk of the House of Representatives; Ann Worthington and Meredith Graves, enrolling and engrossing clerks; Dodie Pappanastos and Helen Thorington, technical proofreaders; Louis Green, Director of the Legislative Reference Service; and, Edna Erie Young of the Secretary of State's office.

Suggestions regarding the organization, publication and distribution of these acts are welcomed.

Don Siegelman
Secretary of State

ALABAMA LAWS
and Joint Resolutions
FIRST EXTRAORDINARY SESSION 1986

Act No. 86-625

H.J.R. 2—Rep. Johnson (RW)

HOUSE JOINT RESOLUTION

COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved September 17, 1986

Time: 2:30 P.M.

Act No. 86-626

H.J.R. 3—Rep. Johnson (RW)

HOUSE JOINT RESOLUTION

COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 2:00 P.M. on September 8, 1986, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint

session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved September 17, 1986

Time: 2:30 P.M.

Act No. 86-627

H. 48—Rep. Box

AN ACT

To amend the Alabama Constitution of 1901 to provide bonds for the purpose of acquiring and improving certain land located in Mobile County for use by the Department of the Navy of the United States of America; acquiring and/or developing land for use as one or more industrial parks; constructing and equipping an inter-governmental office and service center for agricultural agencies; acquiring, constructing and equipping additions and improvements to the present County Courthouse building; acquiring, constructing and equipping additions to the present County Jail facility; and refunding all or a portion of certain of the County's outstanding general obligation warrants; and to authorize bonds for the purpose of refunding certain of the County's obligations which are secured by a special bond tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following Amendment to the Constitution of Alabama is proposed, and shall be valid as part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT:

Section A. As used in this Amendment the following terms shall be given the following respective meanings:

“County” means Mobile County.

“Outstanding Warrants” means those two General Obligation Warrants of the County, each in the principal amount of \$1,000,000, dated April 15, 1986 and maturing October 15, 1986, and any of the County's notes, warrants or bonds issued after October 1, 1986 to refund such General Obligation Warrants.

“Special Tax” means the annual ad valorem tax at the rate of 65 one hundredths of 1 per centum (equivalent to 6½ mills on each dollar) of the assessed valuation of the taxable property in the County authorized to be levied by the County by the Amendment known as Amendment XVIII[18] to the Constitution of Alabama, as amended by the Amendments to the Constitution known as Amendments CLII[152], CCCI[301] and CCCLXIII[363], and also provided for in

the Amendments to the Constitution known as Amendments C[100], CXXII[122], CLI[151], CXCI[193], CXCIV[195], CCC[300], and CDXLVII[447].

Section B. The County is hereby authorized to issue from time to time its bonds, not exceeding \$14,500,000 in aggregate principal amount, of which not in excess of \$2,000,000 in aggregate principal amount shall be issued for the purpose of acquiring and improving, alone or in conjunction with other counties or municipal corporations, certain land located in the County for use by the Department of the Navy of the United States of America; not in excess of \$2,000,000 in aggregate principal amount shall be issued for the purpose of acquiring and/or developing land, in one or more locations, for use as one or more industrial parks; not in excess of \$500,000 in aggregate principal amount shall be issued for the purpose of constructing and equipping an intergovernmental office and service center for agricultural agencies; not in excess of \$3,500,000 in aggregate principal amount shall be issued for the purpose of acquiring, constructing and equipping additions and improvements to the present County Courthouse building in the County; not in excess of \$4,500,000 in aggregate principal amount shall be issued for the purpose of acquiring, constructing and equipping additions and improvements to the present County Jail facilities in the County; and not in excess of \$2,000,000 in aggregate principal amount shall be issued for the purpose of refunding all or any portion of the Outstanding Warrants.

Section C. The County is hereby authorized to issue from time to time its bonds for the purpose of refunding all or any portion of any obligations of the County outstanding as of October 1, 1986 which are payable out of the proceeds of the Special Tax. Such bonds may be issued in any principal amount so long as the net proceeds of the sale thereof, after payment of expenses of issuance and sale thereof, do not exceed the principal amount of the obligations to be refunded. Part of the cash proceeds paid to the County at the time of the sale of any such refunding bonds as a result of decreased debt service may be used by the governing body of the County to finance salary increases or bonuses for employees of the County, not to exceed five percent (5%) across the board for all employees.

Section D. The aggregate principal amount of all bonds at any time issued under this Amendment, when added to the aggregate principal amount of all then outstanding bonds theretofore issued by the County under any other Amendment to the Constitution of Alabama that are payable from or secured by the Special Tax shall not exceed 6½ per centum of the assessed valuation of the taxable property situated in the County as assessed for state taxation for the state tax year next preceding that during which any bonds herein authorized shall be issued.

No bonds may be issued under the authority of this Amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of the County at any election called for that purpose by the governing body of the County and a majority of the said qualified electors voting at the said election shall have voted in favor of the issuance of such bonds; provided, that if a majority of the qualified electors of the County participating in the election at which this Amendment is voted on and voting on the question of the adoption of this Amendment shall vote for the adoption thereof, then the approval of this Amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for in this Amendment and no additional election by the electors of the County shall be required to authorize the issuance of the said bonds. If the majority of the qualified electors of the County participating in the election at which this Amendment is voted on and voting on the question of the adoption of this Amendment should not vote in favor of the adoption of this Amendment, or if the majority of the qualified electors of the County voting at any election called by the governing body of the County under the provisions of this Amendment should not vote in favor of the issuance of the bonds proposed at an election so called, the governing body of the County may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the County shall be called, held, conducted and canvassed, and may be contested, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties.

The bonds issued hereunder shall be general obligations of the County for the payment of the principal of and interest on which the full faith and credit of the County shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of the said principal and interest so much of the Special Tax as may be necessary to pay the said principal and interest at the respective maturities of such bonds, each such pledge to be on a parity with all valid pledges of the Special Tax at any time heretofore or hereafter made, to such extent as shall not impair the obligation of any then existing valid prior pledges.

Bonds may be issued under this Amendment in one or more series, and may bear interest which is tax exempt under the laws of the State of Alabama and the United States of America or which is not exempt from such taxation. Bonds issued hereunder may be sold at either public or private sale in such manner, at such price or prices and at such time or times as may be determined by the governing body of the County to be most advantageous. The principal

of each series of bonds issued under this Amendment shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of that series and the last of which shall mature not later than thirty (30) years after the date of the bonds of that series and otherwise may mature in such amounts during each fiscal year of the County as the governing body of the County shall determine, without regard to the limitations set forth in the Amendment to the Constitution known as Amendment CLII[152]; provided, that the maturities of each series of bonds issued under this Amendment shall be arranged so that the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and also all other bonds theretofore issued by the County and then outstanding that are payable out of or secured by a pledge of the Special Tax, shall not exceed the amount of the proceeds collected from the Special Tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued under this Amendment shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance and redemption of bonds by counties. The indebtedness evidenced by the bonds issued under this Amendment or under any other Amendment to the Constitution which are payable out of or are secured by a pledge of the Special Tax shall be in addition to and shall not be charged against the limitation on the indebtedness of the County provided for in section 224 of the Constitution.

The governing body of the County shall comply with the provisions of the State of Alabama competitive bid law (Section 41-16-20, et seq, Code of Alabama of 1975), to the extent such law is applicable.

Section E. So long as the principal of or interest on any of the bonds issued under this Amendment remains unpaid, the governing body of the County shall continue the levy of the Special Tax at such rate as may be sufficient to pay the said principal and interest at their respective maturities; provided, that the total rate of the special tax that may be levied and collected for payment of the said bonds and all other bonds payable out of or secured by a pledge of the Special Tax shall not exceed the rate at which the County may levy the Special Tax as fixed under the Amendment to the Constitution known as Amendment CDXLVII[447], except to the extent that the said rate may be increased pursuant to provisions of this Constitution hereafter adopted. Such rate shall not be subject to adjustment pursuant to the provisions of the Amendment to the Constitution known as Amendment CXCIV[195].

Section F. This amendment is not intended to ratify or validate any contractual arrangements heretofore or hereafter entered into with respect to the sale of any bonds issued and sold hereunder.

Section G. The provisions of this Amendment shall be self-executing, and authorization from, or other action by, the legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of the Special Tax for payment thereof.

Section 2. An election on the proposed Amendment is ordered to be held at the next general election in this State. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama as amended and the general election laws of this State.

Section 3. Notice of the election and of the proposed Amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the date appointed for the election in a newspaper in each County of the State. In every County in which no newspaper is published a copy of the notice shall be posted at each Courthouse and Post Office.

Section 4. The provisions of this Act shall be effective immediately upon ratification by the people and the Governor thereafter shall proclaim this Amendment as required by law.

Section 5. It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain Amendment to the Alabama Constitution of 1901 (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 regular session of the Legislature of Alabama, and provisions of the said Amendment 425 are hereby declared to be inapplicable to this Amendment.

CONSTITUTIONAL AMENDMENT

Passed the House September 16, 1986 as amended

Passed the Senate September 22, 1986

Act No. 86-628

H.J.R. 78—Reps. McDowell, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers,

Carter, Clark (D), Clark (J),
 Clark (W), Coburn, Coleman,
 Cosby, Crow, Davis, Drake,
 Dutton, Escott, Faulk, Flowers,
 Ford, Fuller, Gaston, Goodwin,
 Gray, Grayson, Grouby, Hall,
 Hammett, Harper, Harvey,
 Hettinger, Holley, Holmes,
 Hooper, Johnson (RG),
 Johnson (RW), Junkins, Kennedy,
 Kvalheim, Laird, Lauderdale,
 Lindsey, McKee, McMillan,
 McNair, Marietta, Martin,
 Mathis, Melton, Mikell, Mitchell,
 Moore, Newman, Newton,
 Nicholson, Onderdonk, Parker,
 Payne, Penry, Perdue, Poole,
 Pratt, Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Seibels, Smith, Spratt, Starkey,
 Starr, Tanner, Thomas,
 Trammell, Turner, Turnham,
 Venable, Warren, White (F),
 White (G), White (L) and Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ASBURY HOWARD OF BESSEMER, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of our good friend and former colleague, Asbury Howard of Bessemer, Alabama, on September 12, 1986, at the age of 79 years; and

WHEREAS, Asbury Howard was born January 18, 1907, the son of Ishmael and Mary Jane Howard of Autaugaville, Alabama; and

WHEREAS, he was educated at Muscoda School in Jefferson County, Alabama, and was a member of the Starlight Missionary Baptist Church of Muscoda for more than 60 years, serving in such capacities as Superintendent of the Sunday School for 25 years, as President of Ushers for 18 years, as Clerk for seven years and as a Deacon for 25 years; and

WHEREAS, Since 1946, Mr. Howard had been President of the Bessemer Voters League, an organization which promotes politics, education, scholarship, and citizenship, with emphasis on voter registration and voter education, candidates and their measures; and

WHEREAS, the dramatic labor union career of Asbury Howard spanned 39 years, beginning as the Recording Secretary of the local union at age 25, and then to Vice-President; in 1942, he was appointed to the Mine-Mill and Smelter Workers staff, to later serve as Regional Director for eight southern states and as Interstate Vice-President, becoming International Representative following merger with United Steel Workers in 1967; and

WHEREAS, during Mr. Howard's professional career, he worked out of the Civil Rights Division and became a prominent leader of the Southern Civil Rights movement; he further held the distinct honor of serving in the highest position of any Black person affiliated with labor unions in America, and was both nationally and internationally recognized for his contributions in the struggle for social, economic, and political justice; and

WHEREAS, Asbury Howard was elected to the Alabama House of Representatives for three terms, serving as the Representative for District 49 and District 56; he completed ten years of three terms, working diligently in the State House with dignity and fortitude to help pass legislation for the good of his constituents; and

WHEREAS, Mr. Howard was the recipient of numerous awards, citations, and acclaim in his relentless fight for the recognition of the work of all people without compromise to their economic status, their religious affiliations, or their ethnic classification; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Asbury Howard of Bessemer, Alabama, and extend deepest sympathy to his beloved wife, Mabel Davis Howard; to his loving children, Asbury Howard, Jr., and Cleopatra Howard Cox; his granddaughter, Angela Denise Cox; and other family members, whose sorrow also is ours and for whom copies of this resolution of sincere condolence shall be provided.

Approved September 23, 1986

Time: 2:30 P.M.

Act No. 86-629

H. 31—Rep. Laird

AN ACT

To provide that any person who became a member of the employees' retirement system through the participation of Randolph County, who was a member of the system on October 1, 1975, and who prior to such date had been ineligible to receive credit for service rendered as an employee prior to October 1, 1945, for reasons other

than having been employed as a nonmember, shall be eligible under certain conditions to receive credit for all service as an employee rendered by him prior to date of establishment of the retirement system; and to provide that this act shall apply to both present employees and retired employees of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who became a member of the employees' retirement system through the participation of Randolph County in such system, who was a member of the system on October 1, 1975, and who prior to such date had been ineligible to receive credit for service rendered as an employee prior to October 1, 1945, for reasons other than having been employed as a nonmember, shall be eligible under the provisions of Article 1, Chapter 27, Title 36, Code of Alabama 1975, to receive credit for all service as an employee rendered by him prior to the date of establishment of the retirement system; provided, that such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said fund; and provided, said member has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system.

Section 2. The provisions of this act shall apply to both present employees of Randolph County and retired employees of Randolph County.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding, on September 24, 1986.

Act No. 86-630

H. 47—Rep. Richardson

AN ACT

Relating to the office of the coroner in Jackson County, Alabama; providing for the compensation and mileage allowances of the coroners, chief deputy coroner and the deputy coroners.

Be It Enacted by the Legislature of Alabama:

Section 1. A new compensation and mileage allowance schedule for the coroner and chief deputy coroner of Jackson County, Alabama, shall be determined by the county commission and shall be payable in the manner prescribed by the county commission from the county general fund. Such compensation and allowance schedule shall be established by resolution duly adopted and spread upon the

minutes of the county commission and shall be in lieu of any county compensation and mileage allowances heretofore provided by law for such coroner and deputy coroner. Such new compensation and mileage schedule shall become effective at the beginning of the next term of office for such coroner and deputy coroner.

Section 2. The coroner of Jackson County is hereby authorized and directed to appoint two deputy coroners, one of whom must reside in the western half of the county and one of whom must reside in the eastern half of the county, who shall have authority to exercise all of the functions pertaining to the coroner's office. The compensation and mileage allowance for such deputy coroners shall be set by the county commission in the same manner as prescribed in Section 1 of this act for coroner and deputy coroner. Such compensation and mileage allowance shall be paid in the usual manner from the county general fund.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 24, 1986

Time: 3:55 P.M.

Act No. 86-631

H.J.R. 9—Reps. Junkins and Bugg

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF HUGH S. PATTERSON OF BUSHNELL, FLORIDA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Hugh S. Patterson of Bushnell, Florida, on July 2, 1986, at the age of 72 years; and

WHEREAS, Mr. Patterson was a native and former longtime resident of Gadsden, Alabama, which he served in mayoral capacity for two, four-year terms during the 1950s and early 1960s, and during which tenure a number of significant gains and accomplishments were realized in such areas as education, sewer and water plant

expansion, recreation, public facilities and street improvements, among others; and

WHEREAS, an attorney, by profession, and a member of the Alabama and American Bar Associations, Mr. Patterson also was a United States Army veteran, having served as a colonel during World War II, and was retired from a realty title company in Mobile, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Hugh S. Patterson of Bushnell, Florida, and extend our very deepest sympathy to his wife, Mrs. Martha Patterson; daughters, Jane Rabon and Ellen Ashley; sons, Hugh and Carl Patterson; and to other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their inconsolable loss.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-632

H.J.R. 8—Reps. Junkins, Bugg and Ford

HOUSE JOINT RESOLUTION

COMMENDING TONY REYNOLDS OF GADSDEN, ALABAMA, FOR EXEMPLARY PUBLIC SERVICE.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the outstanding public service of Tony Reynolds, Gadsden, Alabama; and

WHEREAS, Mr. Reynolds, who was educated in the Gadsden Public Schools, is a former employee of Goodyear, a military veteran of World War II and a longtime member of Eastside Presbyterian Church; and

WHEREAS, twice elected and currently serving as Public Safety Commissioner for the City of Gadsden, Tony Reynolds has more than 29 years experience in the field of law enforcement, having also served as Chief Deputy Sheriff for nine years, three elected terms as Constable and as a former State and Federal Conservation Officer; and

WHEREAS, Commissioner Reynolds further is a founder of the Etowah County Rescue Squad; has served for over 30 years on the Etowah Democratic Executive Committee; and is affiliated with the

Society of First Infantry Division, VFW Post 2760, Alabama Peace Officers Association, B.A.S.S, Industrial Developers Association of Alabama, Alabama League of Municipalities, National League of Cities, Boys Ranch and a number of civic and community organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Tony Reynolds of Gadsden, Alabama, on his distinguished career as a dedicated public servant and direct that he receive a copy of this resolution that he and his wife, Mrs. Helen Reynolds, and children, Tim and Tyler, may know of our sincere admiration and esteem.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-633

H.J.R. 7—Reps. Junkins and Bugg

HOUSE JOINT RESOLUTION

COMMENDING HERSHELL B. FREEMAN, JR., OF ORLANDO, FLORIDA, FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, a native of Gadsden, Alabama, and a 1956 graduate of Gadsden High School, Hershell B. Freeman, Jr., also is an alumnus of the University of Alabama and resides in Orlando, Florida, where he has served for the past 13 years as pitching and/or advisory coach for various of the Orange County Schools; and

WHEREAS, Mr. Freeman, a former baseball player and scout with both the American and National Leagues, played his first organized baseball as a Boy Scout; he played semi-pro baseball at the age of 16 and was a member of the University of Alabama's 1947 SEC Championship Team; and

WHEREAS, in 1948, Mr. Freeman entered Pro Baseball and, during the next five years, played with Natchez, Scranton, Birmingham and Louisville; in the major leagues, he played with the Boston Red Sox, Cincinnati Reds and the Chicago Cubs and then worked from 1959-1963 with the Cincinnati Reds Farm System which developed such players as Pete Rose and Tony Perez among others; and

WHEREAS, Mr. Freeman, since moving to Florida, has worked with Orange County in the Juvenile Delinquency Division, with the Orange County School System and in Little League Ball for some

15 years; he also is active in the Old Timers games of ex-Big League players and participates in slowpitch softball; and

WHEREAS, during his illustrious career, Hershell Freeman has amassed numerous honors and recognitions including All-Star in 1948 and 1949, a Dixie Series Champion (1950-51), a Little World Series Champ (1952-53), 1956 Most Valuable Redleg Player, 1975 Metro Coach of the Year, an Outstanding 50-Year-Old Plus Slowpitch Softball Player in the State of Florida (1984-85), Central Florida Sports Hall of Fame in 1986, and Wedgefield County Club Golf Champion for 1985-1986; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Hershell B. Freeman, Jr., whom we hold in utmost regard and to whom a copy of this resolution shall be forwarded.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-634

H.J.R. 6—Reps. Junkins, Bugg and Ford

HOUSE JOINT RESOLUTION

COMMENDING GEORGE SIZEMORE OF GADSDEN, ALABAMA, FOR EXEMPLARY PUBLIC SERVICE.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the outstanding public service of George Sizemore, Gadsden, Alabama; and

WHEREAS, a native of Gadsden where he was educated in the public schools, George Sizemore has been employed with the City of Gadsden for some 37 years, serving for sixteen years of said tenure as Commissioner of Public Works; and

WHEREAS, Commissioner Sizemore, who is a longtime member of College Heights Baptist Church, also is professionally affiliated with such organizations as the Industrial Developers Association of Alabama, Alabama League of Municipalities, National League of Cities and with both the Alabama and National Public Works Associations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend George Sizemore of Gadsden, Alabama, on his

distinguished career as a dedicated public servant and direct that he receive a copy of this resolution that he and his wife, Mrs. Ruth Sizemore, and children, Michael and Kala, may know of our sincere admiration and esteem.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-635

H.J.R. 5—Reps. Junkins, Bugg and Ford

HOUSE JOINT RESOLUTION

COMMENDING MAYOR STEVE MEANS, GADSDEN, ALABAMA.

WHEREAS, the Alabama Legislature notes with highest commendation the visionary leadership of Steve Means, Mayor of the City of Gadsden for three consecutive terms since 1974; and

WHEREAS, when elected to the office Steve Means, at the age of 28 years in 1974, was the youngest mayor in the history of Gadsden, and he has brought energy, vision and enthusiasm in promoting Gadsden and its attributes and his abilities have won him the respect of his peers; and

WHEREAS, Steve Means, an Auburn University graduate, has held office and membership in many professional, civic and charitable organizations, including: member of the Alabama Commission on Higher Education, Etowah County Mayors Association, the United States Conference of Mayors and the National League of Cities, the Masonic Lodge, Gadsden Shrine Club and the Kiwanis Club; he is past president of the Alabama League of Municipalities and was chairman of the East Alabama Regional Planning Commission; and

WHEREAS, Steve Means has earned a reputation of compassion and has undertaken many worthwhile endeavors, in both his private and public life, for the betterment of his fellow citizens; he has served with a dedicated commitment for the economic expansion of his community, and he is a distinguished Alabama official, all of which has earned him many honors, including selection as one of Alabama's Four Outstanding Young Men in 1976; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby express our highest commendation to Steve Means for his twelve years of dedicated service as Mayor of the City of Gadsden and direct

that a copy of this resolution may be sent to him as a token of our esteem.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-636

H.J.R. 49—Reps. Flowers, Martin, Clark (J), Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING THE TROY STATE UNIVERSITY
BASEBALL TEAM ON ITS 1986 NCAA DIVISION II NATIONAL
CHAMPIONSHIP.

WHEREAS, Troy State University's baseball team of 1986 brought honor to the proud institution which it represents and to our home State of Alabama in winning the NCAA Division II College World Series in our Capital City of Montgomery; and

WHEREAS, This group of young men won this national championship in a manner exemplifying the finest spirit of the game of baseball, proving themselves to be champions, not only by their convincing sweep through postseason tournaments, but equally importantly by displaying the highest sportsmanship, by showing a competitive fire in refusing to accept defeat and by meeting adversity with a will to overcome it; and

WHEREAS, These young men, by playing so hard and so well before the many thousands of Alabamians who came to Paterson Field to cheer their efforts, did allow their supporters and fellow statesmen to share in that magical, fleeting moment the elation of succeeding in an effort to which each one had given his all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our praise and our applause to Head Coach Chase Riddle and to this great championship team.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Chancellor of Troy State University, Dr. Ralph Adams; to the Athletic Director, Mr. Robert Steward; to Coach Chase Riddle; and to all members of the team that they may know and evermore have evidence of our tremendous pride in their accomplishment.

RESOLVED FURTHER, That we wish the members of this team continued success in their sport and in their lives, and we wish them the courage to face future challenges with the grace and dignity they displayed on the baseball diamond in 1986.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-637

H.J.R. 48—Reps. Flowers, Martin
and Clark (J)

HOUSE JOINT RESOLUTION

CONGRATULATING THE TROY STATE UNIVERSITY
LADY TROJAN GOLF TEAM UPON ITS 1986 NATIONAL
CHAMPIONSHIP.

WHEREAS, Troy State University's 1986 Lady Trojan golf team brought honor to the proud institution which they represent and to our home State of Alabama by coming from behind on the final day of competition to win the Women's Golf Coaches Association National Title; and

WHEREAS, These young women faced down a 10-stroke deficit with only 18 more holes to play and, accepting the difficulty of their task, played a remarkable final round of golf; and when the last putt dropped on the final day of that tournament, it marked the culmination of a remarkable comeback and nailed down a one-stroke victory for five ecstatic Lady Trojans, who had used every one of the tournament's 72 holes; and

WHEREAS, Head Coach Chris Force, with this nerve-wracking victory, won his second national championship in the past three years; and

WHEREAS, Coach Force and the members of his team, Glenda Laster, Tracey Tolomeo, Tracey Wright, Samantha Brown, and Lynda Hughes, have proved their mastery of a game which has baffled and humbled so many; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do praise and applaud all the members of this team, those five who made the trip to the State of North Carolina and brought the title home, and also those who served the cause in supporting roles, and Coach Chris Force.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Chancellor of Troy State University, Dr. Ralph W. Adams; to the Athletic Director, Robert Steward; to Coach Force and to the members of the team, that they know and have evidence of our pride in their accomplishment.

RESOLVED FURTHER, That we wish to the members of this team continued success, and we wish them the will and courage to face life's future challenges with the grace and dignity they proved on a Spring day in North Carolina in 1986.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-638

H.J.R. 45—Rep. Pratt

HOUSE JOINT RESOLUTION

COMMENDING C. THOMAS CROOKS, III, OF PLEASANT GROVE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with highest commendation the selection of C. Thomas Crooks, III, of Pleasant Grove, Alabama, as 1986 Optometrist of the Year, a prestigious designation of the Alabama Optometric Association; and

WHEREAS, a native of Birmingham, Alabama, and a 1975 graduate of the University of Alabama with the B.S. degree, Dr. Crooks also holds the B.S. degree in physiological optics and the Doctor of Optometry degree from the University of Alabama in Birmingham, School of Optometry/The Medical Center; and

WHEREAS, Dr. Crooks has been engaged in private practice in Bessemer and Pleasant Grove since 1979 and, for the past two years, has served the Association as its Third Party Committee Chairman and as chairman of the Liaison Committee to Blue Cross/Blue Shield; and

WHEREAS, he further has chaired other association committees, is past president of the Birmingham-Area Optometric Society and currently serves as secretary/treasurer of that organization; and

WHEREAS, Dr. Crooks also extends his involvements to include service on the board of directors for the Southeastern Vision Service Plan and has been a commissioner of the Pleasant Grove Little League Program for the past two years; he is a former member of the Bessemer Jaycees and the Pleasant Grove Lions Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and dedicated community service, we hereby most highly commend C. Thomas Crooks, III, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-639

H.J.R. 40—Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING GOVERNOR GEORGE WALLACE ON HIS PROCLAMATION OF SEPTEMBER 1986 AS "LITERACY MONTH" IN THE STATE OF ALABAMA.

WHEREAS, there are twenty-seven million adult citizens in the United States who are functionally illiterate, more than 200,000 of whom are residing in the State of Alabama; and

WHEREAS, the right to be literate is a basic privilege for all citizens that they may strive to achieve their maximum potential and success in life; and

WHEREAS, it has been demonstrated time and again that universal literacy is essential to national progress and that the illiterate are an economic liability on society; and

WHEREAS, Governor George Wallace, by proclamation, has declared September 1986 as "Literacy Month" in the State of Alabama and has thereby solicited the support of the people of Alabama for programs designed to improve the educational opportunities for all our citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Governor George C. Wallace on his proclamation designating September 1986 as "Literacy Month" in the State of Alabama and direct that he receive a copy of this resolution that he may know of his body's wholehearted support of this action.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-640

H.J.R. 14—Reps. Bugg and Junkins

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES ARTHUR RUTHERFORD, JR., OF GADSDEN, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of James Arthur Rutherford, Jr., of Gadsden, Alabama, on July 24, 1986, at the age of 64 years; and

WHEREAS, a native of Blount County and a longtime resident of Etowah County, Mr. Rutherford was a commander with the Gadsden Fire Department with 28 years of distinguished service, and was a faithful member and deacon of Malone Baptist Church; and

WHEREAS, Mr. Rutherford also was a staunch supporter of numerous civic and community activities and was a member and past master of Dwight Masonic Lodge 550 F&AM; he further was a 32d degree Scottish Rite Mason and a York Mason, and was a member of both the Northeast Alabama Scottish Rite Association and Zamora Shrine Temple of Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply

saddened by the death of James Arthur Rutherford, Jr., of Gadsden, Alabama, and extend sincere and deepest sympathy to his wife and daughter, Mrs. Jennie V. Rutherford and Mrs. Regina Talton, and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-641

H.J.R. 13—Reps. Bugg and Junkins

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA DISTINGUISHED PRINCIPAL FOR 1986, DORIS LEFTWICH OF ETOWAH COUNTY'S WHITESBORO ELEMENTARY SCHOOL.

WHEREAS, the Alabama Legislature notes with highest commendation the selection of Doris Leftwich, principal of Etowah County's Whitesboro Elementary School, as Alabama Distinguished Principal for 1986, a signal honor bestowed by the Alabama Association of Elementary School Administrators and a distinction that designated Dr. Leftwich as Alabama's representative to the October 1986 meeting in Washington, D.C., of all state honorees; and

WHEREAS, the National Distinguished Principals program is designed to recognize the excellence among our nation's elementary and middle school administrators, and state selections are based on such criteria as dedicated educational leadership, significant contributions to the well-being of the educational community, and a strong commitment to principalship through active membership in state professional associations; and

WHEREAS, our National Distinguished Principals, who must have served for a minimum of five years as on-line practicing principals, also must hold the respect of their students, colleagues and parent organizations, as well as that of their communities in which they have distinguished themselves through leadership and service; and

WHEREAS, Dr. Leftwich, a former newspaper employee, entered the teaching field at the age of forty, following acquisition of her doctorate; after a year and a half in the classroom she became a principal and has served in this capacity at Duck Springs, West End and John Jones Elementary Schools, and currently at Whitesboro; and

WHEREAS, Dr. Leftwich's professional achievement has been realized through her philosophy of working together with students, teacher and parents; of supportive efforts by all involved; and of the necessity for a warm, caring and responsive atmosphere; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and dedication to educational excellence, we hereby most highly commend Dr. Doris Leftwich, Alabama Distinguished Principal for 1986, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved September 24, 1986

Time 3:30 P.M.

Act No. 86-642

H.J.R. 12—Reps. Bugg and Junkins

HOUSE JOINT RESOLUTION

COMMENDING LOWRY HOBBS OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with sincere praise and esteem that the Legislature of Alabama congratulates Lowry Hobbs of Gadsden, Alabama, as Small Business Person of the Year, a prestigious recognition of the Small Business Council of the Gadsden-Etowah Chamber of Commerce; and

WHEREAS, Mr. Hobbs is president of Dixie-Pacific Manufacturing Company which was founded in 1968 and was purchased by its present owners, Hobbs Industries, Incorporated, in 1983; and

WHEREAS, during the past three years under the leadership of Lowry Hobbs, Dixie-Pacific has increased its number of employees from 13 to 70, and the company's sales area, once limited to the Southeast, has expanded to a nationwide operation; and

WHEREAS, Dixie-Pacific also has expanded its line of products and is now one of only four companies in the nation that produces architecturally correct columns which are built according to Roman and Greek specifications; and

WHEREAS, these columns, which are custom made of various woods, have been featured in several national periodicals and have been installed in residences and public buildings throughout the United States; and

WHEREAS, it is further to be noted that Dixie-Pacific's sales have increased some 800 percent since its purchase by Hobbs Industries and sales for the current year are expected to increase some 30 percent over 1985; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Lowry Hobbs of Gadsden, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-643

H.J.R. 51—Rep. Venable

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. JAMES MELVIN TAYLOR, SR. ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with great pleasure the forthcoming 50th Wedding Anniversary, on September 15, 1986, of Mr. and Mrs. James Melvin Taylor, Sr. of Tallassee, Alabama; and

WHEREAS, on September 15, 1936, young Melvin Taylor at the age of 22 and his young 17-year-old bride, Miss Hixie Victoria Powell, were joined in holy matrimony in the Elmore County Probate Judge's Chambers, Wetumpka, Alabama; and

WHEREAS, they have since lived their lives as one, devoted each to the other, and have remained steadfastly faithful to their marriage vows, setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Taylor are the parents of four daughters and seven sons and the grandparents of twenty-two grandchildren and six graet-grandchildren:

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. James Melvin Taylor, Sr. of Tallassee, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided for Mr. and Mrs. Taylor that they may be aware of our

congratulations and of our warm best wishes on this momentous occasion.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-644

H.J.R. 50—Reps. Junkins and Bugg

HOUSE JOINT RESOLUTION

COMMENDING DR. RALPH N. WESLEY, JR., OF GADSDEN, ALABAMA.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the numerous outstanding accomplishments of Dr. Ralph N. Wesley of Gadsden, Alabama; and

WHEREAS, a native of Louisville, Kentucky, and a graduate of Myrs Park High School, he attended Davidson College on a full scholarship; following graduation he entered medical school at the University of North Carolina, also on a full scholarship; he moved to Birmingham and served his internship and first year residency at University Hospital; and

WHEREAS, Dr. Wesley served his country during the Viet Nam Conflict and was on active duty in Korea; he later was joined by his wife, Carol, and together they spent 14 months travelling to outlying areas to bring modern medical techniques to the Korean people; he was honored for his outstanding contributions in this area and, after returning to the United States and a tour of duty at Fort Hood, Texas, Dr. Wesley received the Distinguished Service Award, rarely bestowed upon a physician; and

WHEREAS, following his military discharge, Dr. Wesley completed his residency in Internal Medicine at University Hospital; in 1971, he started private practice in Gadsden; and

WHEREAS, his many civic contributions include serving as President of the Etowah County Medical Society and as past President of the Medical Staffs at both Baptist Memorial and Holy Name of Jesus Hospitals; he is currently Chairman of the Etowah County Board of Health and an active member of the First Baptist Church of Gadsden, where he is a deacon and Sunday School teacher; and

WHEREAS, in 1984, Dr. Wesley and a group from Alabama, under the auspices of the Foreign Mission Board, travelled to Jos, Nigeria, where he gave instruction to native medical students and

furthered the missionary program of the Southern Baptist Convention by preaching and teaching out in the bush; upon returning, he has spoken widely to churches about the work being done in Nigeria and has been honored with a Certificate of Appreciation from the Foreign Mission Board and the Southern Baptist Convention; and

WHEREAS, Dr. Wesley has continuously kept abreast of medical knowledge in his field and is highly regarded by his peers; in October 1985, he received the Physicians Recognition Award of the State of Alabama Medical Association for completion of 150 hours of continuing education in the past three years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Dr. Ralph N. Wesley, Jr., on his many civic and charitable contributions and direct that a copy of this resolution be sent to him as evidence of our great esteem and warmest personal regard.

Approved September 24, 1986

Time: 3:30 P.M.

Act No. 86-645

H. 124—Reps. Turner, Johnson (RW),
Harper and Zoghby

AN ACT

To transfer funds held in the State Insurance Fund and funds presently held, or that will accrue as investments mature, in Fund No. 305735 in the State Treasury; to appropriate such funds to the Department of Mental Health and Mental Retardation, the Department of Public Health, the Alabama Medicaid Agency, the Department of Human Resources, and the State General fund; and to appropriate funds for the replenishment of the transferred funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any provision of law to the contrary, there shall be transferred from the State Insurance Fund, provided for in Chapter 15 of Title 41 of the Code of Alabama, 1975, the sum of twenty-five million dollars (\$25,000,000), such sum to be transferred during the fiscal year beginning October 1, 1986; and such sum is hereby appropriated as follows:

a. To the Department of Mental Health and Mental Retardation—an amount sufficient, but not to exceed \$12,000,000, in order to make total receipts of said department from the State General Fund, the State Insurance Fund and State Fund No. 305735 equal \$56,983,000;

b. To the Alabama Medicaid Agency—an amount sufficient, but not to exceed \$11,000,000, in order to make total receipts of said department from the State General Fund and the State Insurance Fund equal \$105,872,373;

c. To the Department of Public Health—\$2,000,000.

d. To the State General Fund—any funds of the \$25 million not transferred to the Department of Mental Health and Mental Retardation, the Alabama Medicaid Agency and the Department of Public Health under the provisions of this Section.

Section 2. A sum equivalent to the twenty-five million dollars (\$25,000,000) hereby transferred from the State Insurance Fund shall be paid into said Fund from the State General Fund during the fiscal year beginning October 1, 1987 for replenishment of the State Insurance Fund in the amount of the transfer provided for in Section 1 hereof. For such purpose, there is hereby appropriated from the State General Fund for the fiscal year beginning October 1, 1987, to the State Insurance Fund, the sum of twenty-five million dollars (\$25,000,000).

Section 3. Notwithstanding any provision of law to the contrary, there shall be transferred fifteen million dollars (\$15,000,000) from funds which were heretofore appropriated to the State Highway Department and which presently are held, or that will accrue as investments mature, in Fund No. 305735 in the State Treasury, such sum to be transferred during the fiscal year beginning October 1, 1986; and such sum is hereby appropriated as follows:

a. To the Department of Human Resources—\$7,600,000 Human Services Program (For use in Day Care for Children);

b. To the Department of Mental Health and Mental Retardation—an amount sufficient, but not to exceed \$7,000,000, in order to make total receipts of said department from the State General Fund, the State Insurance Fund and State Fund No. 305735 equal \$56,983,000;

c. To the State General Fund—any funds of the \$15 million not transferred to the Department of Mental Health and Mental Retardation and the Department of Human Resources under the provisions of this Section.

Section 4. A sum equivalent to the fifteen million dollars (\$15,000,000) hereby transferred from Fund No. 305735 shall be paid into said Fund No. 305735 from the State General Fund during the fiscal year beginning October 1, 1987 for replenishment of Fund No. 305735 in the amount of the transfer provided for in Section 3 hereof. For such purpose, there is hereby appropriated from the State General

Fund for the fiscal year beginning October 1, 1987, to Fund No. 305735, the sum of fifteen million dollars (\$15,000,000).

Section 5. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 24, 1986

Time: 3:55 P.M.

Act No. 86-646

S.J.R. 93—Senator deGraffenried

SENATE JOINT RESOLUTION

POSTPONING AND RESCHEDULING THE ELECTION DATE ON THE CONSTITUTIONAL AMENDMENT ON CERTAIN TAXES FOR SCHOOL PURPOSES IN TUSCALOOSA COUNTY PROVIDED FOR BY ACT NO. 86-223, H. 800 OF THE 1986 REGULAR SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the election date on the constitutional amendment proposed by Act No. 86-223, H. 800 of the 1986 Regular Session, which relates to certain taxes for school purposes in Tuscaloosa County, is hereby postponed and the election on such proposed constitutional amendment shall be re-scheduled to be voted on by the electorate of Tuscaloosa County at the first county-wide general or local election held in said county after January 1, 1987.

RESOLVED FURTHER, That copies of this resolution shall be sent to the Secretary of State, to the Clerk of the House and to the Secretary of the Senate.

BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution, relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him.

Adopted in accordance with Article XVIII, Section 284, the Constitution of Alabama 1901.

Act No. 86-647 H. 64—Reps. Johnson (RW), Drake, Clark (J),
Mikell and Adams

AN ACT

To remove certain tax exemptions granted to dog race tracks.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective upon the passage of this act, in addition to all other taxes heretofore or hereafter levied by local or general law, all licensees or operators of dog race tracks within this state are hereby required to pay, (1) income taxes levied by the state, (2) occupational taxes levied on wages by a municipality or county, (3) ad valorem taxes levied on any racing facility by the state, county or other local subdivision at the same rates as are applicable to other commercial property having comparable market value, (4) state and local sales taxes on merchandise, food or beverage, sold by operators or their concessionaires at racing events, and (5) all taxes and license fees imposed or related to the sale of alcoholic beverages.

Section 2. This bill shall not apply retroactively nor shall any provision of this act be construed as affecting the local distribution of taxes of any existing dog race track.

Section 3. We affirm the exemptions heretofore granted by local act and expressly declare that the intention of this legislation is that such exemptions were heretofore valid and remain valid until the effective date of this act.

Section 4. There is no intent by this legislation to impose a general sales tax on admission to the track or to the handle and an exemption is hereby granted for such taxes.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:10 P.M.

Act No. 86-648

H. 132—Reps. Starkey, Hettinger, Brooks
and Butler

AN ACT

Relating to alcoholic beverages; to provide that any person 21 years of age or over who is on active duty, in active reserve status or retired from the armed forces

of the United States, or the dependent of such person, or who is otherwise eligible to purchase alcoholic beverages from military package or liquor stores, shall be entitled to have in his possession, in his motor vehicle, or a private residence or place of private residence or the curtilage thereof in any county in this state, for his own private use and not for resale, certain quantities of alcoholic beverages; and to make unlawful the sale or offer to sell such alcoholic beverages to anyone not authorized to purchase untaxed beverages or to have possession of any amount of state untaxed alcoholic beverages in excess of said quantities.

Be It Enacted by the Legislature of Alabama:

Section 1.

(a) Any person 21 years of age or over who is on active duty, in active reserve status or retired from the armed forces of the United States, or the dependent of such person, or is otherwise eligible to purchase alcoholic beverages from military package or liquor stores, shall be entitled to have in his possession, in his motor vehicle, or a private residence or place of private residence or the curtilage thereof in any county in this state, for his own private use and not for resale, not more than the following quantity of alcoholic beverages as defined in § 28-3-1, which beverages have been sold by a military liquor, package, class 6 or similar store or outlet: three liters of liquor and one case of beer; or three liters of wine and one case of beer; or two cases of beer; provided, however, that no alcoholic beverages shall be kept, stored or possessed in the passenger area of any vehicle, or in the view of any passenger; and further provided that the beer and table wine must first have been purchased by the military package or liquor stores from licensed Alabama wholesalers, and liquor and fortified wine must first have been purchased by the military package and liquor stores from the Alabama ABC Board; and shall have sufficient identification, including but not limited to a sales receipt, to show that such alcoholic beverages were purchased in Alabama and sold by such military store or outlet; provided further that no rule or regulation of the Board shall require a wholesaler to affix stamps or decals to beer or table wine.

(b) It shall be unlawful for any person in possession of alcoholic beverages as enumerated in subsection (a) of this section to sell or offer to sell such alcoholic beverages to anyone not authorized to purchase such state untaxed beverages himself or to have in his possession at any one time any amount of state untaxed alcoholic beverages in excess of the quantity set forth in subsection (a) of this section. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than \$50.00 nor more than \$500.00, or imprisoned in the county jail for a period not to exceed six months, either or both, at the discretion of the court.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:10 P.M.

Act No. 86-649

S. 11—Senators Bailey, Foshee, Smith (J),
Holmes, Denton, Menton and
Barron

AN ACT

To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, relating to non-resident annual and trip fishing licenses, so as to further provide for the age requirements of said licenses; to further provide for the activities licensed thereunder; to further provide that said licenses shall be required; to further provide for the waters to which said licenses apply; to increase the fees therefor; to provide for reciprocal license fees for said licenses for residents of Louisiana and states which immediately border Alabama; to provide that said licenses shall not be required under certain circumstances; to further provide for the disposition of said license fees; to prohibit residents of immediately bordering states and Louisiana from purchasing an Alabama trip fishing license in the event a similar license is not provided for Alabama residents in said bordering states and Louisiana; and to further provide for penalties for the violation thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-55, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“§9-11-55.

“Nonresidents of the state sixteen (16) years of age or older shall not take, catch, kill or attempt to take, catch or kill any fish in any of the fresh, salt or brackish waters of this state without first procuring an annual nonresident fishing license which will authorize the holder thereof to fish in any of the otherwise legally available fresh, salt or brackish waters of this state, by filing with any person authorized to issue same an affidavit stating the applicant’s age, place of residence and post-office address after paying to the person issuing said license a fee of \$15.00; provided, however, that the license fees for residents of the states of Florida, Georgia, Louisiana, Tennessee, and Mississippi shall be the same as the license fees charged Alabama residents for similar licenses in said states. Said licenses shall not be required of persons properly licensed for trip fishing under section 9-11-56.

“The issuing officer or authority or special agent shall be allowed a fee of \$1.00 for each such license issued by him, which issuing fee

shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

“Ninety percent of the said license fees is to be deposited in the state treasury to the credit of the game and fish fund and ten percent to the credit of the seafoods fund.

“Any person who violates any of the provisions of this section shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor greater than \$250.00.”

Section 2. Section 9-11-56, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“§9-11-56.

“Any nonresident of this state sixteen (16) years of age or older shall not take, catch, kill or attempt to take, catch or kill any fish in any of the fresh, salt, or brackish waters of this state for a period of seven (7) consecutive days or less without first procuring a trip fishing license in the same manner provided for other licenses provided in this article, by paying therefor the sum of \$7.00 which license will authorize the holder thereof to fish in any of the otherwise legally available fresh, salt or brackish waters of this state for a period of seven days from the day said license was issued; provided, however, that the license fees for residents of the states of Florida, Georgia, Louisiana, Tennessee, and Mississippi shall be the same as the license fees charged Alabama residents for similar licenses in said states. In the event no similar license exists in any of said states, residents of said states shall not be permitted to procure said trip fishing license in the state of Alabama. Said license shall not be required of persons properly licensed under section 9-11-55.

“The issuing officer of authority or special agent shall be allowed a fee of \$1.00 for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

“Ninety percent of the said license fee is to be deposited in the state treasury to the credit of the game and fish fund and ten percent to the credit of the seafoods fund.

“Any person who violates any of the provisions of this section shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor greater than \$250.00.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-650

S. 7—Senators Bedford, Hand, Bennett,
Amari, Cabaniss, Bedsole, Dixon,
Bailey, Smith (B), Goodwin,
Drinkard, Cooley, Foshee, Horn,
Strong, Barron, Dial,
deGraffenried and Denton

AN ACT

To amend Section 16-13-90 of the Code of Alabama of 1975, which pertains to the issuance of school warrants secured by special county and district taxes, to provide that refunding warrants may be issued in an amount not to exceed the sum of the principal of the warrants to be refunded, the interest accrued and unpaid thereon plus the interest to mature thereon until the date on which the said warrants are to be redeemed or paid, and the amount of any redemption premium.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-13-90 of the Code of Alabama shall be, and hereby is, amended to read as follows:

“§16-13-90. In any county in which a special county tax shall have been voted under the Constitution for such purpose or for school purposes generally, and in any school district in which a special district tax shall have been voted under the Constitution for such purpose or for school purposes generally, the county board of education or the city board of education, as the case may be, with the approval of the state superintendent of education may issue and sell capital outlay warrants for the purposes of erecting, purchasing, altering, enlarging, improving, repairing and equipping school buildings and school playgrounds, and buildings for housing and repairing school buses, including sites for any such buildings and playgrounds; and for the purpose of purchasing school buses; and for the purpose

of acquiring a school building already erected by another government body, which building is being transferred to the use and jurisdiction of the board issuing the warrants; or for any one or more of such purposes; issue and sell or exchange refunding warrants for the purpose of refunding any valid warrants heretofore or hereafter issued and constituting a preferred claim against the said tax, or, in the case of refunding warrants payable from the tax of a special school district which consists of a consolidation of two or more smaller special school districts, constituting a preferred claim against the tax of any of such smaller districts; provided, that the refunding warrants shall not be issued in an aggregate principal amount exceeding the sum of (i) the outstanding principal of such warrants being refunded, (ii) the interest accrued and unpaid thereon plus the interest to mature thereon until the date on which they are to be redeemed or paid, and (iii) the amount of any redemption premium required to be paid. Proceedings authorizing the issuance of refunding warrants under the provisions of this article shall identify the warrants being refunded, but no purchaser or holder of any such refunding warrant shall thereby be put upon inquiry or charged with notice of the nonexistence or invalidity of such refunded warrants, and the validity of such refunding warrants shall not be affected thereby. Warrants shall never be issued hereunder to an amount of principal and interest maturing in any fiscal year which, when added to the amount of principal and interest of all warrants then outstanding and constituting preferred claims against the said tax and maturing in said fiscal year, would exceed 80 percent of the annual proceeds of said tax, computed upon the basis of the last assessed valuation on which taxes were due and payable, of the county or of the district, as the case may be, as certified by the county tax assessor."

Section 2. This Act shall become effective upon its passage and approval by the governor, or upon its otherwise becoming law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-651

S. 1—Senator Denton

AN ACT

Relating to Lauderdale County; to provide for a minimum annual salary for supernumerary tax collectors and supernumerary tax assessors.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lauderdale County, all persons serving as supernumerary tax collectors and supernumerary tax assessors as of

the effective date of this act shall receive a minimum annual salary payable in equal monthly installments from the county in the amount of \$15,500.00. Any such supernumerary official who is paid less than the said minimum annual salary shall hereby be paid in monthly installments such additional amounts from the county as will provide a minimum annual salary of \$15,500.00. Said additional sum shall be deducted on a pro rata millage basis from the county and all subdivisions and agencies thereto with the exception of municipalities to which the person collecting ad valorem taxes is charged with the distribution of ad valorem taxes collected as provided by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-652

S. 6—Senators Bedford, Hand, Bennett, Amari, Cabaniss, Bedsole, Dixon, Bailey, Smith (B), Goodwin, Drinkard, Cooley, Foshee, Horn, Strong, Dial, Barron, deGraffenried and Denton

AN ACT

To amend Section 16-13-72 of the Code of Alabama of 1975, which pertains to the issuance of refunding warrants by county and city boards of education, to provide that said boards of education may issue refunding warrants in an amount not to exceed the sum of the principal of the warrants to be refunded, the interest accrued and unpaid thereon plus the interest to mature thereon until the date on which the said warrants are to be redeemed or paid, and the amount of any redemption premium.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-13-72 of the Code of Alabama shall be, and hereby is, amended to read as follows:

§16-13-72. Any county board of education and any city board of education may from time to time sell and issue refunding warrants for the purpose of refunding the principal of warrants then outstanding that were issued by the said board of education under the provisions of either this article or any other act or statute, and the interest accrued on the warrants to be refunded, whether or not the principal of the said outstanding warrants shall have matured at the time of the issuance of the refunding warrants and regardless of the

date on which the warrants to be refunded shall have a stated maturity or shall be subject to redemption or cancellation. Any premium necessary to redeem or retire the warrants to be so refunded may be paid out of the proceeds from the refunding warrants; and the total principal amount of the refunding warrants shall not exceed the sum of (i) the principal of the warrants to be refunded, (ii) the interest accrued and unpaid thereon plus the interest to mature thereon until the date on which they are to be redeemed or paid and (iii) the amount of any such redemption premium. Except for the fact that refunding warrants are issued for refunding purposes rather than any of the purposes referred to in section 16-13-70, all the provisions of this article relating to warrants generally shall be applicable to refunding warrants issued hereunder.”

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-653

S.J.R. 21—Senators Covington and Teague

SENATE JOINT RESOLUTION

CONGRATULATING TROY STATE UNIVERSITY ON ITS CENTENNIAL CELEBRATION.

WHEREAS, in the academic year 1986-87, Troy State University is celebrating its 100th year of service to the people of the State of Alabama; and

WHEREAS, Troy State University, since its establishment by the 1887 Alabama Legislature, has awarded 50,377 degrees, 44,125 of them conferred during the administration of Dr. Ralph W. Adams; and

WHEREAS, Troy State University serves Alabama from campuses in Troy, Montgomery, and Dothan and branches at Phenix City, Fort Rucker and Maxwell Air Force Base; and

WHEREAS, at all Alabama locations, Troy State University strives to meet the needs of the people of the State of Alabama; and

WHEREAS, Troy State University serves the nation with branches on military bases in Georgia, Florida, and in the NATO countries of Europe; and

WHEREAS, at all campuses and branch sites, Troy State University strives to meet the needs of and be of service to the American people; and

WHEREAS, the Board of Trustees, administration, faculty, staff, students and alumni of Troy State University have established a Tradition of Excellence throughout the University's history; and

WHEREAS, Troy State University will properly observe its heritage during a year-long Centennial Celebration with the theme "The Best Is Yet To Be"; and

WHEREAS, during its 100 years of service, Troy State University has had a great impact upon the educational processes of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and commend the Board of Trustees, administration, faculty, staff and alumni of Troy State University for their past, present, and future contributions to the needs of the people of Alabama and for their performance in the furtherance of education.

BE IT FURTHER RESOLVED, That the Legislature of the State of Alabama, in order to honor and acknowledge the accomplishments of the Troy State University System and its Chancellor, Dr. Ralph W. Adams, authorized and directs that copies of this resolution be provided Chancellor Adams, the individual members of the Troy State University Board of Trustees and members of the Press.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-654

S.J.R. 20—Senator Teague

SENATE JOINT RESOLUTION

COMMENDING THE ALABAMA INSTITUTE FOR DEAF AND BLIND.

WHEREAS, the Alabama Institute for Deaf and Blind has made significant gains through its programs of education and work experience in restoring and rehabilitating citizens with disabilities to full, productive, and independent lives; and

WHEREAS, outstanding cooperation has been given AIDB by the corporate sector of Alabama, as well as numerous individuals, in providing employment for the sensory impaired; and

WHEREAS, people with disabilities have made significant contributions to communities across Alabama and, in fact, to other states and to the nation—as workers and as fully participating members of society; and

WHEREAS, the week of October 5-12, 1986, has been proclaimed as “National Employ the Handicapped Week,” to focus attention on these individuals who are now “tax producing citizens” of Alabama and are contributing in many ways toward making this nation a better place in which to live and work; and

WHEREAS, communities, people with these disabilities, and society as a whole benefit when all citizens are engaged in meaningful, productive activities that make maximum use of individual talents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend the Alabama Institute for Deaf and Blind, its administration, faculty, and staff for the worthwhile and lasting contributions it has made and continues to make in assisting deaf, blind, and deaf-blind persons attain the goals in life that cause them to possess a better quality of life than previously enjoyed by this population.

BE IT FURTHER RESOLVED, That this body in joint support does give its full endorsement to “National Employ the Handicapped Week” and wishes for the Alabama Institute for Deaf and Blind continued success in its programs for the sensory impaired.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-655

S.J.R. 22—Senators deGraffenried, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES VANDIVER NEWTON OF GREENVILLE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of James Vandiver Newton of Greenville, Alabama, on September 9, 1986, at the age of 69 years; and

WHEREAS, a beloved citizen of the Greenville community and a prominent area businessman, Mr. Newton was the owner of Newton Oil Company, Inc., in Greenville and, though semi-retired, he still remained active in company affairs and decisions; and

WHEREAS, Mr. Newton also was a longtime member of the Baptist Church, and was involved as well in a number of the civic and community activities of Greenville; and

WHEREAS, in addition to his wife, the former Authurine Thompson, Mr. Newton is survived by three sons, James Neil Newton, Charles Oliver Newton and William David (Bill) Newton, our good friend and associate who serves as director of the Legislative Fiscal Office; he also is survived by four grandchildren, three sisters and other family members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of James Vandiver Newton of Greenville, Alabama, and extend our very deepest sympathy to all his family, whose inconsolable loss is a bereavement we share and for whom copies of this resolution of sincere condolence shall be provided.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-656

H. 12—Rep. Mitchell

AN ACT

Relating to Tuscaloosa County, Alabama; establishing a fire district, pursuant to Amendment No. 358 to the Constitution of Alabama of 1901, for the purpose of preventing fires or for fire protection and certain other public service in Tuscaloosa County; providing for the manner such district may be created for any area; providing for the petition for any proposed district and the election thereon; providing that the expense of conducting such election shall be paid by the county except that if the district is created the district shall reimburse the county; providing that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; providing that no district shall be created unless the creation thereof has been approved by the majority of votes cast at an election; providing that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; providing for the enlargement of the district; providing for the management and operation of each district; providing

for the election of a fire district board, except the initial board made up of the existing board of directors of each volunteer fire department, each being a public corporation; providing for the terms of office of the members of the board; providing for the officers, compensation, expense allowance and duties of the members of the board; defining the rights, powers, and authority of the districts; authorizing any such district to pledge all or any part of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; authorizing any such district to levy and collect service charges or fees subject to certain limitations; providing that such service charges or fees shall not be levied unless the same is first approved by a majority of the votes cast by the qualified electors residing within the district; providing for the dissolution of any such district; providing that the provisions of this act are severable; repealing all laws, or parts of laws, in conflict with the act; and providing for the effective date of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Tuscaloosa County, Alabama.

Section 2. Definitions. The following words and terms as used in this act shall have the meanings ascribed to them, unless a contrary meaning is apparent from the context: "the act" shall mean this act; "the county" shall mean Tuscaloosa County, Alabama; "district for fighting fires" shall mean a district created under this act for establishing and maintaining a system for fighting or preventing fires; "board" shall mean the Tuscaloosa County fire district board.

Section 3. Any area situated entirely within the county may be established as a district for fighting fires in the manner hereinafter provided for; provided, however, no land lying within the boundaries of a municipality at the time a district is formed shall be included in the district.

Section 4. (a) Upon any petition being filed in the office of the probate judge of the county, he shall order an election to be held in the proposed district on the question, or questions, on which the petition requests an election. The petition shall be signed by at least 100 qualified electors residing within the boundaries of the proposed district.

(b) The petition shall contain a description of the area which it is proposed be established as a district under the provisions of the act; and the petition shall request the probate judge to call an election on one or more of the following questions: "Shall there be created for the area a district for fighting fires? Yes __ . No __ ."

(c) The petition shall state the name of the proposed district. The board of a district may change the name of the district by filing in the office of the probate judge a copy of a resolution changing the name thereof, which copy shall be certified by the president of the board.

(d) The petition for election on the establishment of a district may be accompanied by a petition for an election on the question of levying a proposed service charge or fee which last named petition shall be signed by at least 100 qualified electors residing within the proposed district. A petition for an election on the establishment of a district shall be deemed to be accompanied by a petition for an election on the question of levying a proposed service charge or fee and a petition for an election on the question of the proposed composition of the board, if the request for the election on the proposed district, the request for an election on the proposed service charge or fee, and the request for an election on the proposed composition of the board re combined in a single petition.

Section 5. (a) When a petition for the holding of any election is filed with the probate judge not less than thirty (30) days and not more than sixty (60) days prior to some other election to be held in the territory in which an election is sought by the petition, the probate judge shall order the election sought by the petition to be held on the same day as such other election is held.

(b) If the petition is not filed at such time as will permit the election sought thereby to be held at the time some other election is held, as herein provided, the probate judge shall order the election sought by the petition to be held on a day not less than thirty (30) days nor more than forty (40) days from the date on which the probate judge enters said order.

(c) The provisions of this section shall apply to all elections provided for by the act.

Section 6. The provisions of the election laws governing the registration of voters, equipment at polling places, furnishing of supplies, appointment of election officers, voting and canvassing returns at a general election shall apply to any election held hereunder.

Section 7. The probate judge shall give notice of any election held under this act by publishing for three (3) weeks at least once a week, on the same day of each week, in a newspaper of general circulation in the territory where said election is to be held, a notice that on the day fixed for the election the questions to be then voted on will be submitted to the electors of the said territory.

Section 8. Where an election is held on the question of the establishment of a district, the governing body of the county shall pay for the necessary expense of advertising and conducting such election out of the general funds of the county; provided, however, that if the district is established, the district shall reimburse the county for the expenses incurred by the county in respect to said election.

After a district has been established, the district shall pay the expense of any election held in the district or held in any area which it is proposed to be added to the district.

Section 9. No district shall be created unless the creation thereof is approved by the majority of votes cast at the election at which the proposed creation is submitted. Upon the officers canvassing the returns of the election certifying that the creation of the district was approved by the majority of the votes cast at such election, the proposed district shall be created and shall constitute a public corporation.

Section 10. (a) The affairs and business of each district shall be managed by a board, the initial members consisting of the existing board of directors of each volunteer fire department, each being a public corporation. No person shall serve on said board unless he is a qualified elector of the district. Membership of the Tuscaloosa County fire district board shall be for a term of four years; provided, however, that the initial terms shall be as follows: of the seven (7) members first elected, one shall be elected for a term of one year, two shall be elected for a term of two years, two shall be elected for a term of three years, and two shall be elected for a term of four years. Their successors shall be elected from among those candidates who qualify to run with the probate judge in the same manner as other officials for county office, with bond set by the probate judge. Each candidate shall be a qualified elector of the district and over the age of 21 years.

(b) Any vacancy of the board shall be for the unexpired term filled in the same manner as herein required. In event there is less than 12 months remaining on such term, the board may appoint a qualified elector from the district in which the vacancy occurs.

(c) The board shall elect annually from its own number a president, secretary, and a treasurer. The members of the board shall not be entitled to any compensation for their services; but they shall be entitled to reimbursement for all expenses incurred by them in the performance of their duties.

Section 11. The district shall constitute a public corporation, which shall have the power to do any and all acts or things necessary and convenient for carrying out the purposes for which it is created including, but not limited to: To sue and be sued. To have a seal and alter the same at pleasure. To acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein and to pay therefor in cash or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine. To acquire, own, operate, maintain and improve a system or systems. To pledge

all or any part of its revenues, or mortgage, or otherwise encumber, all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations. To sell, lease, mortgage or otherwise encumber or dispose of all or any part of its property, as hereinafter provided. To contract debts, borrow money, and to issue or assume the payment of obligations. To levy and collect service charges or fees, as herein provided in this act, subject to the limitations prescribed in said act. To employ agents, servants, and attorneys. To perform any and all of the foregoing acts and to do any and all of the foregoing things under, through, or by means of its own officers, agents, and employees, or by contracts with any person, federal agency, or municipality.

Section 12. The expense of establishing and maintaining a district shall be paid for by the proceeds of a service charge or fee which shall be levied and collected in an amount sufficient to pay said expense. Said service charge or fee shall be levied upon and collected from the property owners served by the system. Such charge or fee shall be a personal obligation of the owner of the property served by the system; and to secure the collection of the charge or fee there shall be a lien against said property in favor of the district, which lien shall be enforceable by sale thereof in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

The board may provide that upon a person being in default for more than sixty (60) days in paying any service charge or fee due by him he shall be liable to pay any reasonable attorney's fee incurred by the district in its effort to enforce payment of the said service charge or fee whether suit is filed or not.

Section 13. (a) No service charge or fee shall be levied unless the same has been first approved by the majority of the votes cast at an election held hereunder by the qualified electors residing within the district, or within the proposed district.

(b) An election on the question of levying a service charge or fee in a proposed district may be held at the same time that the election is held on the creation of the district, provided that the petition for the election on the question of the service charge or fee accompanies the petition for the election on the establishment of the proposed district, as provided herein. An election on the question of a service charge or fee may be held upon the board of a district submitting to the probate judge a petition for such election as provided. The board shall file in the office of the probate judge a petition that he call an election in the district on the question of whether the service charge or fee proposed shall be levied.

(c) The petition shall state specifically the charge or fee which it is proposed shall be levied. The petition may request that an

election be held on more than one proposed charge or fee. Upon the petition being filed with the probate judge, he shall order an election to be held within the time provided for by this act.

Section 14. (a) A district may be enlarged in accordance with the terms of this section; provided, however, that no area lying within a municipality at the time of the enlargement shall be brought within the district.

(b) No area shall be brought within a district by enlargement unless the majority of the votes cast at the election provided for by subsection (c), below, approve the inclusion of the area within the district and also approve every service charge or fee in effect within the district at the time of the election.

(c) The term "proposed area," as used in this subsection (c), means an area which it is proposed be brought within a district by enlargement of the district. When the board of a district determines that the inclusion of a proposed area within the district would be to the advantage of the district and also to the advantage of the majority of the inhabitants of the proposed area, the board may file in the office of the probate judge a petition that there be an election in the proposed area at which there shall be submitted to the qualified electors residing within the proposed area the question of whether the proposed area shall be included within the district and also the question of whether every service charge or fee in effect within the district at the time of the election is approved. Upon such petition being filed, the probate judge shall order an election to be held within the proposed area, within the time herein provided, at which election the qualified electors residing within the proposed area shall vote on the two foregoing questions. Unless the majority of votes cast at the election vote in the affirmative on each of the foregoing questions, the proposed area shall not be included within the district. Upon the officers canvassing the returns of the election certifying that a majority of votes cast was in favor of the inclusion of the proposed area in the district, and that the majority of the votes cast approved every service charge or fee in effect within the district at the time of the election, the proposed area shall become a part of the district.

Section 15. (a) Any district created hereunder may be abolished in the manner provided for by this section; provided, however, that no district shall be abolished when it has any indebtedness.

(b) Upon the petition for abolition of a district, conforming to the requirements set forth below, being filed with the probate judge, he shall order an election on abolition of the district to be held in the district within the time herein provided, at which qualified electors residing within the district shall be entitled to vote. The petition shall be signed by at least 100 qualified electors of the district. It

shall contain a recital that the district is not indebted; and it shall request the probate judge to order an election on whether the district shall be abolished. Upon the officers canvassing the returns of the election certifying that abolition of the district was approved by a majority of the votes cast at the election, the district shall be abolished.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-657

H. 16—Reps. Adams and Clark (J)

AN ACT

To provide further for the salary of the sheriff of Russell County and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Russell County shall receive an annual salary of forty thousand dollars (\$40,000.00) payable in equal monthly installments from the county treasury. Said salary shall be in lieu of any and all other compensation or salary heretofore paid by law.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This act shall become effective on the first day of the next term of office of the sheriff following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-658

H. 54—Reps. Blakeney and Black

AN ACT

Relating to Choctaw County; providing certain additional compensation for the poll workers to be paid from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation heretofore provided by law for the poll workers in Choctaw County, each poll worker shall be entitled to a \$10.00 per meeting day increase in such compensation with such increase to be paid in the usual manner from the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-659

H. 9—Rep. Carter

AN ACT

To alter, rearrange and extend the boundary lines of the City of Athens, Limestone County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Athens, Limestone County, Alabama, be and the same are hereby altered, rearranged, and extended so as to include all of the territory heretofore encompassed by the corporate limits of the City of Athens and in addition thereto the following described territory, to wit:

Beginning at a point in the centerline of East Forrest Street and on the East margin of the present City Limits of Athens, Alabama, and run thence in a Northeasterly direction along the centerline of East Forrest Street a distance of 2120 feet, more or less, to the East boundary of the Northwest Quarter of Section 11, Township 3 South, Range 4 West, Limestone County, Alabama.

Thence in a Southerly direction along the East boundary of the West One-half of said Section 11, and along the East boundary of the West One-half of Section 14, Township 3 South, Range 4 West, a distance of 7000 feet, more or less, to the South right-of-way margin of U. S. Highway No. 72; thence in a Northwesterly direction, meandering along the South right-of-way margin of U. S. Highway No. 72 a distance of 2200 feet, more or less, to a point that is 500 feet East of the West boundary of said Section 14, and on the East boundary of the present City Limits of Athens, Alabama; thence run in a Northerly direction along the East boundary of the present City Limits of Athens, Alabama, said boundary lying 500 feet East of the West boundary of said Sections 14 and 11, a distance of 6250 feet, more or less, to the point of beginning. Said tract of land lying and being in the West Half of Sections 11 and 14, Township 3 South, Range 4 West, Limestone County, Alabama, and containing 0.516 square miles, more or less. And also,

Beginning at the Southeast corner of Section 22, Township 3 South, Range 4 West, and run thence in a Westerly direction along the South boundary of said Section 22 to the West margin of the right-of-way of Interstate Highway 65; thence run in a Northwesterly direction along the West margin of right-of-way of said highway a distance of 4850 feet, more or less, to the South boundary of the City Limits of Athens, Alabama; thence run in a Easterly direction along the South margin of the existing City Limits of Athens, Alabama, a distance of 300 feet, more or less, to the East right-of-way margin of Interstate Highway 65; thence run South 2 degrees 01 minutes East along the East boundary of said highway a distance of 739.98 to a point; thence run North 88 degrees 00 minutes East a distance of 2682.2 feet to the West right-of-way margin of Lindsey Lane; thence run South 1 degree 9 minutes 55 seconds West along the West right-of-way margin of Lindsey Lane a distance of 714.62 feet to a point; thence run South 88 degrees 24 minutes 39 seconds East a distance of 2,984.38 feet to a point; thence run South 1 degree 19 minutes 28 seconds West a distance of 500 feet to a point; thence run in a Westerly direction a distance of 250 feet, more or less, to the East boundary of the West One-half of Section 23, Township 3 South, Range 4 West; thence run in a Southerly direction along the East boundary of the West One-half of said Section 23 to the South boundary of said Section 23; thence run in a Westerly direction along the South boundary of said Section 23 to the Southeast corner of Section 22, Township 3 South, Range 4 West, the point of beginning. Said tract of land lying and being in Sections 22 and 23, Township 3 South, Range 4 West and containing 0.71 square miles, more or less. And also,

Beginning at the Northwest corner of Section 35, Township 2 South, Range 4 West, Limestone County, Alabama, and run thence

in a Easterly direction along the North boundary of said Section 35 a distance of 500 feet to a point on the Easterly margin of the present City Limits of Athens, Alabama, and the point of beginning of the tract herein described. Thence from the True Point of Beginning run thence in a Northerly direction along a line 500 feet East of and parallel to the West margin of Section 26, Township 2 South, Range 4 West, said line being the East margin of the present City Limits of Athens, Alabama, a distance of 500 feet to the Northeast corner of the present City Limits of Athens, Alabama, thence continue in a Northerly direction along a line 500 feet East of and parallel to the West margin of said Section 26 a distance of 150 feet, more or less, to a point on the North margin of Tract 40, according to Limestone County Tax Map No. 44-07-07-26 of said Section 26, said Tax Map being on file and of record in the office of the Tax Assessor of Limestone County, Alabama; thence run in an Easterly direction along the North margins of Tracts 40, 39, 38, 35 and 33, according to said Tax Map, a distance of 2700 feet, more or less, to a point 500 feet East of the centerline of Yarbrough Road; thence in a Southerly direction along a line 500 feet East of and parallel to the centerline of Yarbrough Road, a distance of 5950 feet, more or less, to the centerline of Old U. S. Highway 31 (AL. Hwy. 251); thence meandering along the centerline of old U. S. Highway 31 (AL. Hwy. 251) in a Southwesterly direction to a point lying 500 feet East of the West boundary of Section 2, Township 3 South, Range 4 West, said point being on the East boundary of the present City Limits of Athens, Alabama; thence in a Northerly direction along the East margin of the present City Limits of Athens, Alabama, a distance of 7700 feet, more or less, to the True Point of Beginning of the Tract herein described. Said tract lying and being in Sections 26 and 35, Township 2 South, Range 4 West, and Section 2, Township 3 South, Range 4 West, Limestone County, Alabama, and containing 0.68 square miles, more or less. And also,

Beginning at a point on the Northeast corner of Section 26, Township 3 South, Range 4 West, Limestone County, Alabama, and run thence Easterly along the North boundary of said Section 26 to the East boundary of the West One-half of said Section; thence run in a Southerly direction along the East boundary of the West One-half of said Section 26 to the North boundary of Section 35, Township 3 South, Range 4 West; thence continue in a Southerly direction along the East boundary of the West One-half of said Section 35 to the North boundary of Section 2, Township 4 South, Range 4 West, the Huntsville-Brownsferry Road; thence continue in a Southerly direction along the East boundry of the West One-half of said Section 2 a distance of 500 feet; thence run in a Westerly direction along a line 500 feet South of and parallel to the North boundary of said Section 2 to the West boundary of said Section 2; thence continue

in a Westerly direction, along a line 500 feet South of and parallel to the North boundary of Section 3, Township 4 South, Range 4 West, to a point on the West right-of-way margin of Interstate Highway 65; thence run in a Northwesterly direction along and meandering with the West right-of-way margin of Interstate Highway 65 a distance of 7200 feet, more or less, to the Southeast corner of the present City Limits of Athens, Alabama; thence continue in a Northwesterly direction, along the existing City Limit boundary of Athens, Alabama, and the West right-of-way margin of Interstate Highway 65, a distance of 3900 feet, more or less, to the North boundary of Section 27, Township 3 South, Range 4 West; thence run Easterly along the North boundary of said Section 27 to the point of beginning. Said tract of land lying and being in Sections 26, 27, 34 and 35, Township 3 South, Range 4 West, and in Sections 2 and 3, Township 4 South, Range 4 West, Limestone County, Alabama, and containing 1.97 square miles, more or less. And also,

Beginning at the Northwest corner of Section 20, Township 3 South, Range 4 West, Limestone County, Alabama, and run thence Southerly along the West boundary of said Section 20 a distance of 500 feet to the existing South boundary of the present City Limits of Athens, Alabama, and the True Point of Beginning of the tract herein described. Thence from the True Point of Beginning run thence Easterly along the existing City Limit boundary of Athens, Alabama, said boundary being 500 feet South of and parallel with the North boundary of said Section 20 to the East boundary of the West Half of said Section 20, and the West boundary of the present City Limits of Athens, Alabama; thence in a Southerly direction along the said present City Limits and the East boundary of the West Half of said Section 20 to the South margin of the existing City Limits of Athens, Alabama, and the South boundary of said Section 20; thence run in a Easterly direction along the South boundary of said Section 20 and the existing City Limits of Athens, Alabama, to the West right-of-way margin of the Seaboard System Railroad; thence run in a Southerly direction along the West right-of-way margin of the said railroad and the present City Limits of said City, a distance of 500 feet; thence run in a Westerly direction along a line that is 500 feet South of and parallel to the North boundary of Sections 29 and 30, Township 3 South, Range 4 West, to a point that is 500 feet West of the East boundary of said Section 30; thence run Northerly along a line that is 500 feet West of the East boundary of Sections 30 and 19, Township 3 South, Range 4 West, to a point on the South boundary of the existing City Limits of Athens, Alabama, which point is 500 feet South of the North boundary of said Section 19; thence run in a Easterly direction along the existing City Limit line, said line being 500 feet South of and parallel to the North boundary of said Section 19 a distance of 500

feet to the True Point of Beginning. Said tract of land lying and being in Sections 19, 20, 29 and 30, Township 3 South, Range 4 West, and containing 0.616 square miles, more or less. And also,

Beginning at a point in the centerline of East Forrest Street, said point also being on the East margin of the present City Limits of Athens, Alabama, and run thence in a Northerly direction along a line that is 500 feet East of and parallel to the West boundary of Section 11, Township 3 South, Range 4 West, Limestone County, Alabama, said line also being the East boundary of the present City Limits of Athens, Alabama, a distance of 970 feet, more or less; thence run in a Northeasterly direction along the North boundary of Tracts 09, 11, and 12.03, according to Tax Map No. 44-10-01-11, as filed and of record in the office of the Tax Assessor, Limestone County, Alabama, a distance of 810 feet, more or less, to the centerline of Linton Road; thence run in a Northerly direction along the centerline of Linton Road, a distance of 880 feet, more or less, to the North boundary of said Section 11; thence run in a Easterly direction along the North boundary of said Section 11, a distance of 1330 feet, more or less, to the East boundary of the West One-half of said Section 11; thence in a Southerly direction along the East boundary of the West One-half of said Section 11, a distance of 1710 feet, more or less, to the centerline of East Forrest Street; thence run in a Southwesterly direction along the centerline of East Forrest Street a distance of 2120 feet, more or less, to the point of beginning. Said Tract of land lying and being in the Northwest Quarter of Section 11, Township 3 South, Range 4 West, Limestone County, Alabama, and containing 0.11 square miles, more or less.

Section 2. The police jurisdiction of the City of Athens is the unincorporated territory adjacent to the corporate limits of the city as defined in this Act, and the power and authority of the city to prescribe zoning regulations in such area adjacent to the city, shall be extended by this enactment as otherwise provided by law.

Section 3. The City of Athens shall have the right to levy and collect a privilege license tax on any person, firm or corporation doing business upon any property described herein.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-660

H.J.R. 74—Reps. Black, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILBUR E. DEARMAN OF SUMTER COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Wilbur E. Dearman of Sumter County, Alabama, on Tuesday, September 9, 1986; and

WHEREAS, a longtime probate judge of Sumter County, Wilbur E. Dearman also was a member of this body from 1938 to 1946, honorably serving his state in the Alabama House of Representatives; and

WHEREAS, Judge Dearman was an outstanding attorney and was a member of the Alabama Bar Association for more than fifty years; and

WHEREAS, Judge Dearman further was a notable student of the history of Sumter County, Alabama, and was active in the preservation of historic sites and photographs of historic landmarks; and

WHEREAS, Judge Dearman was elected to the Office of Probate Judge of Sumter county in 1952 and was subsequently elected to three additional terms in 1958, 1964 and 1970; and

WHEREAS, Judge Dearman served the people of Sumter County in a distinguished and selfless manner for more than twenty years in the Office of Probate Judge and we are deeply indebted for the many significant contributions he made to the progress and well-being of Sumter County and to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Wilbur E. Dearman of Sumter County, Alabama, and extend our sincere sympathy to his beloved wife and children, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-661

H.J.R. 72—Rep. Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. ANNA LOUISE MORRISS STAPLES OF MOBILE, ALABAMA, ON THE OCCASION OF HER 102ND BIRTHDAY.

WHEREAS, in pleased anticipation of her forthcoming 102nd birthday, October 18, 1986, the Alabama Legislature today extends heartiest congratulations to Mrs. Anna Louise Morriss Staples of Mobile, Alabama; and

WHEREAS, the daughter and only child of Thomas Bragg and Emma Hearin Morriss, Mrs. Staples was born October 18, 1884, in

Mobile, Alabama, where she has since resided with the exception of a short period of time spent in Clarke County, Alabama, at her family's plantation home; and

WHEREAS, Mrs. Staples, as a young lady, attended both Judson College and Fairmont Seminary in Washington, D.C., where she majored in voice and music, which have remained a major interest and a source of great enjoyment throughout her life; and

WHEREAS, she also is a prominent member of the Mobile community, having participated for many years in numerous of the social, civic and charitable affairs of that city; and

WHEREAS, Mrs. Staples, who is the mother of one child, has four grandchildren and 17 great-grandchildren, all of whom she dearly loves and who return that love in great measure; and

WHEREAS, Mrs. Staples is indeed a warm and gracious lady who, despite advanced years, remains active and vitally interested in her family and the world around her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, on the occasion of her 102nd birthday, we join with family and friends in extending warm best wishes to Mrs. Anna Louise Morriss Staples of Mobile, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-662

H.J.R. 71—Rep. Martin

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GARROLD H. NUNGESTER, JR., OF DECATUR, ALABAMA.

WHEREAS, the Legislature of Alabama is grievously saddened by the untimely death of Garrold H. Nungester, Jr., of Decatur, Alabama, on August 5, 1986, at the early age of just 39 years; and

WHEREAS, Garry Nungester, who was a graduate of Decatur High School and attended Tulane University, was the beloved husband of Debbie Nungester and also is survived by his parents, Dr. and Mrs. Garrold H. Nungester, all of Decatur; and

WHEREAS, a unique and intense young man and imbued with a strong sense of right and wrong, Garry Nungester was a caring

and compassionate individual who devoted his life and total efforts to fighting the inherent evils of injustice, intolerance and indifference; and

WHEREAS, Garry Nungester, as a photojournalist and a champion of oftentimes unpopular causes, became involved in issues on local, state and national levels and, through such involvement, became an expert on the odious internal affairs of such organizations as the Ku Klux Klan and Aryan Nations, exposing the vicious and base purposes espoused by these groups; and

WHEREAS, the death of Garry Nungester has indeed left a deep void in the hearts of his family, his many friends and all those lives he touched, and for whom life was made richer by the good works and deeds of this truly fine young man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Garrold H. Nungester, Jr., of Decatur, Alabama, and extend deepest sympathy to his family for whom copies of this resolution of sincere condolence shall be provided.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-663

H.J.R. 70—Reps. Martin, Parker and Drake

HOUSE JOINT RESOLUTION

COMMENDING CHRISTINA ANN BELL FOR DISTINGUISHED SERVICE TO THE MORGAN COUNTY BOARD OF REGISTRARS.

WHEREAS, Christina Ann Bell of Decatur, Alabama, has served with dedicated distinction on the Morgan County Board of Registrars for a total of 13 years, including 12 years as chairman, her present capacity; and

WHEREAS, the Morgan County Board of Registrars, during Ms. Bell's terms of service, has become one which leads the state in positive change; it is the first such board in Alabama to initiate full-time courthouse hours and also the first to visit every high school in the county for the purpose of registering voters; and

WHEREAS, through personal involvement, as well, and in addition to duties directly related to the Morgan County Board of Registrars, Ms. Bell has become widely known and even recognized

nationally as Alabama's leading expert in all phases of voter registration; and

WHEREAS, she has drafted major legislation of a reform nature to make the registration process more convenient for prospective voters, statewide; intervened to cause residency guidelines to be clarified by the United States Supreme Court; and has successfully worked for legislation to purge poll lists of ineligible voters, among other laudable contributions; and

WHEREAS, it is further to be noted that Ms. Bell was elected as the first president of the Alabama Association of Boards of Registrars and has since been elected to three additional terms; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the Morgan County Board of Registrars and to the State of Alabama, we hereby most highly commend Christina Ann Bell of Decatur, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-664

H.J.R. 69—Reps. Carothers, Harper, Johnson (RG), Penry, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray,

Grayson, Grouby, Hall,
 Hammett, Harvey,
 Hettinger, Holley,
 Holmes, Hooper,
 Johnson (RW), Junkins,
 Kennedy, Kvalheim,
 Laird, Lauderdale,
 Lindsey, McDowell,
 McKee, McMillan,
 McNair, Marietta,
 Martin, Mathis, Melton,
 Mikell, Mitchell, Moore,
 Newman, Newton,
 Nicholson, Onderdonk,
 Parker, Payne, Perdue,
 Poole, Pratt, Preuitt,
 Rains, Reed, Rice,
 Richardson, Rogers,
 Sasser, Seibels, Smith,
 Spratt, Starkey, Starr,
 Tanner, Thomas,
 Trammell, Turner,
 Turnham, Venable,
 Warren, White (F),
 White (G), White (L)
 and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING WAYNE F. SCHWEITZER ON HIS DISTINGUISHED CAREER WITH DELTA AIR LINES.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the outstanding career of Wayne F. Schweitzer with Delta Air Lines, from 1945 until his retirement on September 1, 1986, as Public Affairs Manager; and

WHEREAS, a native of St. Louis, Missouri, and an alumnus of both the University of Indiana and the University of Tennessee, Mr. Schweitzer joined Delta in 1945, beginning his career in Reservations; and

WHEREAS, he was later to serve as Reservations Agent and Marketing Manager in a number of cities, including St. Louis, New Orleans, Chicago, Shreveport, Knoxville and Fort Wayne, and also as Special Representative in San Juan, Puerto Rico; and

WHEREAS, Mr. Schweitzer was promoted in 1956 to District Marketing Manager-Philadelphia; in 1966, to District Marketing

Manager-New York; and in 1968, to Delta's Washington, D.C., Governmental Affairs staff; and

WHEREAS, Wayne Schweitzer transferred to Atlanta in 1969 where he served as Manager-Public Affairs until his recent retirement, ending on September 1, 1986, an outstanding career of more than 40 years with this major air line; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Wayne F. Schweitzer of Atlanta, Georgia, on his outstanding and longtime career with Delta Air Lines; we further wish Mr. Schweitzer every continuing success in retirement and direct that he receive a copy of this resolution expressing the sincere regard of the Alabama Legislature.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-665

H.J.R. 67—Reps. Cosby, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Jaihnsen (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson,

Onderdonk, Parker, Payne,
 Penry, Perdue, Poole, Pratt,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Seibels, Smith, Spratt,
 Starkey, Starr, Tanner,
 Thomas, Trammell, Turner,
 Turnham, Venable, Warren,
 White (F), White (G),
 White (L) and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING AMERICAN CANDY COMPANY OF SELMA, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates American Candy Company of Selma, Alabama, on an outstanding accomplishment that is duly recorded in the 1986 edition of the "Guinness Book of World Records"; and

WHEREAS, as also noted in the regular feature, "According to Guinness," that appeared in the September 7, 1986, issue of the Birmingham News, the world's largest lollipop was one weighing 400 pounds, containing 220 pounds of sugar and 180 pounds of corn syrup, and made by American Candy Company on April 28, 1982, for the World's Fair in Knoxville, Tennessee; and

WHEREAS, American Candy Company is a long-established manufacturer with far-reaching distribution of its products; it also is a company that, for many years, has impacted favorably on the economy of Selma and surrounding area, providing continuing and steady employment for numerous area residents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend American Candy Company of Selma, Alabama; we congratulate them on their inclusion in the "Guinness Book of World Records" and express the Legislature's deep appreciation for the company's continuing contributions to the Selma community and the entire State of Alabama.

BE IT FURTHER RESOLVED, That in token of our sincere praise and regard, a copy of this resolution shall be provided for presentation to the American Candy Company, Selma, Alabama.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-666

H.J.R. 66—Reps. Coburn, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES VANDIVER NEWTON OF GREENVILLE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of James Vandiver Newton of Greenville, Alabama, on September 9, 1986, at the age of 69 years; and

WHEREAS, a beloved citizen of the Greenville community and a prominent area businessman, Mr. Newton was the owner of Newton

Oil Company, Inc., in Greenville and, though semi-retired, he still remained active in company affairs and decisions; and

WHEREAS, Mr. Newton also was a longtime member of the Baptist Church, and was involved as well in a number of the civic and community activities of Greenville; and

WHEREAS, in addition to his wife, the former Authurine Thompson, Mr. Newton is survived by three sons, James Neil Newton, Charles Oliver Newton and William David (Bill) Newton, our good friend and associate who serves as director of the Legislative Fiscal Office; he also is survived by four grandchildren, three sisters and other family members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of James Vandiver Newton of Greenville, Alabama, and extend our very deepest sympathy to all his family, whose inconsolable loss is a bereavement we share and for whom copies of this resolution of sincere condolence shall be provided.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-667

H.J.R. 59—Reps. Fuller, Laird, Turnham, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan,

McNair, Marietta, Martin,
 Mathis, Melton, Mikell,
 Mitchell, Moore, Newman,
 Newton, Nicholson,
 Onderdonk, Parker, Payne,
 Penry, Perdue, Poole, Pratt,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Seibels, Smith, Spratt,
 Starkey, Starr, Tanner,
 Thomas, Trammell, Turner,
 Venable, Warren, White (F),
 White (G), White (L) and
 Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GLENN R. McCLENDON OF LAFAYETTE, ALABAMA.

WHEREAS, Glenn R. McClendon, a distinguished Alabamian and a true pioneer in highway transportation and the trucking industry in our state and nation, died at LaFayette, Alabama on June 29, 1986; and

WHEREAS, Glenn R. McClendon founded Glenn McClendon Trucking Company, Inc. in 1935 and served as its president for more than 50 successful years; and

WHEREAS, Glenn McClendon Trucking Company, Inc. continues as a major force in transportation in Alabama and in the United States, serving 48 states; and

WHEREAS, Glenn McClendon Trucking Company, Inc. remains a principal employer in our state, setting standards of quality work performance and transportation safety achievements among its nearly 900 employees, which are recognized nationwide; and

WHEREAS, Glenn R. McClendon served over the years with distinction as President of the Alabama Trucking Association and as President of the Alabama Bottlers' Association; and

WHEREAS, a major characteristic of the life of Glenn R. McClendon was his tireless devotion and countless hours of voluntary service to community, state and national boards and organizations in the public interest; and

WHEREAS, Glenn R. McClendon is survived by his wife of 45 years, Anne Fuller McClendon of LaFayette; by his son Glenn Raymond McClendon, Jr., who succeeds his father as President of Glenn McClendon Trucking Company, Inc.; and by sons Hugh Fuller

McClendon and James Walter McClendon, both of whom are officers in the continuing family enterprise; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with sincere regret the death of Glenn R. McClendon, and share Alabama's loss of a true captain of the American Trucking Industry.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the McClendon family as a token of our sympathy and sincere respect.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-668

H.J.R. 46—Rep. Onderdonk

HOUSE JOINT RESOLUTION

NAMING WASHINGTON COUNTY ROAD 28 THE "DAN BEECH ROAD".

WHEREAS, Mr. O. D. "Dan" Beech served as County Commissioner of Washington County from January 18, 1943 through January 18, 1971, for a total of 28 consecutive years; and

WHEREAS, during his tenure of office, he served with distinction and devotion to duty; and

WHEREAS, it is entirely fitting and proper that he be appropriately honored in perpetuity for his contributions to the people of Washington County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Washington County Road 28 from its intersection with Alabama State Highway 56 to its intersection with Washington County Road 34 at "Rattlesnake Forks" near St. Stephens, Alabama, the "Dan Beech Road".

BE IT FURTHER RESOLVED, That the Washington County Commission erect appropriate signs at the terminus points of said road in order to designate said road the "Dan Beech Road".

BE IT RESOLVED FURTHER, That Mr. O. D. "Dan" Beech receive a copy of this resolution as a memento of this honorary designation by the Alabama Legislature.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-669

H.J.R. 11—Reps. Turner and Marietta

HOUSE JOINT RESOLUTION

URGING THE SOUTHEAST COMPACT COMMISSION TO PLACE THE STATE OF ALABAMA AT NUMBER SEVEN IN THE TECHNICAL RANKINGS OF THE HOST STATE CRITERION OF THE COMMISSION.

WHEREAS, the 1982 Legislature established Alabama as a member state in the Southeast Compact Commission composed of eight southeastern states; and

WHEREAS, the Southeast Compact Commission has the responsibility of selecting a host state for deposit of low-level radioactive waste produced within the Compact states; and

WHEREAS, the Southeast Compact Commission excluded the State of South Carolina for consideration because of the existing low-level radioactive waste site at Barnwell, South Carolina; and

WHEREAS, the Southeast Compact Commission has repeatedly failed to grant the same equitable consideration to the State of Alabama in refusing to consider the present hazardous waste disposal facility in Emelle, Alabama which provides a waste disposal site to every other member state of the Compact; and

WHEREAS, the people of the State of Alabama have presented their case to the Commission and have requested for their safety, welfare, and good health the same fair and equitable consideration as afforded the State of South Carolina; and

WHEREAS, the Alabama Legislature has reserved under the 1982 Legislation the right to agree, consent, disagree or withdraw from the Southeast Compact Commission should it desire;

NOW, THEREFORE, BE IT RESOLVED, That the Alabama Legislature does hereby request and demand that the interests of the people of the State of Alabama be protected, that fairness be applied, and that the Southeast Compact Commission clearly recognize that Alabama's proper position in the technical rankings should be, with consideration given to the existing hazardous waste disposal site in Alabama, number seven just above the State of South Carolina.

BE IT FURTHER RESOLVED, That copies of this resolution be dispatched forthwith to the members of the Southeast Compact Commission.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-670

H.J.R. 10—Reps. Mikell and Venable

HOUSE JOINT RESOLUTION

DESIGNATING A PORTION OF HIGHWAY 143 AS
“ROBINSON SPRINGS ROAD.”

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of Highway 143 from Chapman Road to the intersection of said highway and Highway 14, in Elmore County, Alabama, is hereby named and designated as the “Robinson Springs Road.”

BE IT FURTHER RESOLVED, That the State Highway Department is hereby authorized to erect and maintain appropriate signs and markers so designating said described portion of Highway 143 as the “Robinson Springs Road.”

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-671

H.J.R. 81—Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING DAVIS ANDREW FEARS FOR OUTSTANDING
COMMUNITY SERVICE.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the numerous and notable contributions of Davis Andrew Fears to the communities of Mobile County, Alabama; and

WHEREAS, a native of Madison County, Mr. Fears moved to Mobile County in 1939; he currently resides in the Wilmer Community and is a charter member and deacon of Camellia Baptist Church; and

WHEREAS, Mr. Fears, in addition to other civic affiliations, is a member of Lodge 878 and the Camellia Chapter of the Order of Eastern Star in Semmes, Alabama; and

WHEREAS, an organic gardener, who has established an organic garden club for Mobile County, Mr. Fears also is a reflexologist and offers his services free of charge to anyone who needs them; and

WHEREAS, he further devoted some six years of his time in helping acquire a waste system for the Fairview Community, working many long hours without any pay whatsoever, and he also helps support and care for his mother-in-law, Mrs. Dodie Evans, who is 100 years old; and

WHEREAS, Davis Andrew Fears is indeed a man of charity and great kindness who has found personal happiness and success in helping others to be successful; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to others and notable contributions to the communities and citizens of Mobile County, Alabama, we hereby most highly commend Davis Andrew Fears, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-672

H.J.R. 89—Reps. Rice, Butler, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan,

McNair, Marietta, Martin,
 Mathis, Melton, Mikell,
 Mitchell, Moore, Newman,
 Newton, Nicholson,
 Onderdonk, Parker, Payne,
 Penry, Perdue, Poole,
 Pratt, Preuitt, Rains,
 Reed, Richardson, Rogers,
 Sasser, Seibels, Smith,
 Spratt, Starkey, Starr,
 Tanner, Thomas,
 Trammell, Turner,
 Turnham, Venable,
 Warren, White (F),
 White (G), White (L) and
 Zoghby

HOUSE JOINT RESOLUTION

ESTABLISHING THE JOINT GOVERNOR'S-LEGISLATIVE TASK FORCE ON CHILD DAY CARE.

WHEREAS, the purpose of the Joint Governor's-Legislative Task Force on Child Day Care shall be to address the issue of quality child care being available and accessible for all Alabama families who need and want it, at a price they can afford; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Governor's-Legislative Task Force on Child Day Care is hereby established to:

1. Define child care needs in the State of Alabama;
2. Develop a plan, including a strategy for mobilizing resources and coordinating data, to meet the child day care needs; and
3. Formulate a procedure for the acceptance and implementation of the child day care plan.

The Joint Governor's-Legislative Task Force on Child Day Care shall be charged with the responsibility of studying the following specific problems and making recommendations as to potential solutions:

1. Accessibility and affordability of child day care;
2. Education-public awareness of child day care as a basic necessity and a positive program;
3. Quality in child day care; and

4. Supportive networks-partnerships to increase child day care resources.

The membership of the Joint Governor's-Legislative Task Force on Child Day Care shall be composed of persons who are knowledgeable in child day care needs for the State of Alabama, and who are recognized as leaders, from the business, education, human services, and child day care community.

The twenty (20) member Task Force shall be appointed as follows:

Eight (8) members appointed by the Governor (to include at least one member of the staff of the State Department of Human Resources, one member of the State Department of Education, and one member of the State Department of Health);

Four (4) non-legislative members, who are service providers in the day care industry, appointed by the Joint Legislative Study Committee on Children and Youth;

Four (4) members appointed by the Lieutenant Governor, of whom three shall be members of the Alabama Senate;

Four (4) members appointed by the Speaker of the House, of whom three shall be members of the Alabama House of Representatives;

The Governor shall serve as an ex officio member;

The Commissioner of the State Department of Human Resources shall serve as an ex officio member.

BE IT FURTHER RESOLVED, That the legislative members shall receive their regular expense, travel and per diem allowances for each day the committee meets, upon approval by the Chairman on warrants as provided by law, and shall be payable from any funds appropriated for use of the legislature, but not to exceed twenty-five hundred dollars per annum.

RESOLVED FURTHER, That said Task Force shall report its findings and recommendations to the Governor and the Legislature on the first day of the 1987 Legislative Session whereupon it shall stand discharged from all duties and dissolved.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-673

H.J.R. 87—Rep. Beers

HOUSE JOINT RESOLUTION

COMMENDING THE CITY OF VESTAVIA HILLS, ITS MAYOR AND COUNCIL, ON THE SELECTION OF SAID CITY AS A BICENTENNIAL COMMUNITY.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the selection of Vestavia Hills as one among 142 other cities, towns and counties, nationwide, to be selected as a "Designated Bicentennial Community"; and

WHEREAS, also the only city in Alabama to be so honored, Vestavia Hills qualified for this prestigious designation by meeting specific criteria set by the Commission on the Bicentennial of the United States Constitution; and

WHEREAS, Mayor Sara Wuska and the Vestavia Hills City Council therefore will be leading the community in many activities to observe the bicentennial, as will the ten-member Vestavia Hills Bicentennial Commission composed of Chairwoman, Margaret Armbruster of the University of Alabama at Birmingham's History Department and commission members, Carlos Ballard, Douglas Coretti, Judge James S. Garrett, Grace Reid, Martha Rusk, Dr. Neil Shepherd, Nancy Terrell, Harvey Watson and Dr. Donald Wilson; and

WHEREAS, the Alabama Legislature is indeed proud of the city and citizens of Vestavia Hills who have brought great honor to our state as a "Designated Bicentennial Community" and we look forward to the forthcoming festivities and observances associated with this significant and historical occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the City of Vestavia Hills, its mayor and council on this outstanding honor of the 200th anniversary of the United States Constitution, and direct that copies of this resolution be prepared for appropriate presentation and display during said bicentennial celebration.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-674

H.J.R. 84—Rep. Reed

HOUSE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT REGARDING ELECTION OF CHAIRMAN OF MACON COUNTY COMMISSION.

WHEREAS, Act No. 84-583, H. 884, Regular Session 1984 (Acts 1984, p. 1218) provides for a full time chairman of the Macon County Commission and providing for a 1986 election of the chairman; and

WHEREAS, under said act the county commission determines whether or not the said chairman is full or part time; and

WHEREAS, it is the intent of said act that the chairman be elected for a four-year term of office at the 1986 general election, regardless of whether said chairman is full time or part time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of this Legislature in the enactment of said Act No. 84-583 that the chairman of the county commission qualify for and be elected for a full four-year term of office at the 1986 general election whether the chairman's position is considered by the commission to be a full time or a part time position.

RESOLVED FURTHER, That copies of this resolution be sent to each member of the present Macon County Commission.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-675

H.J.R. 79—Rep. Laird

HOUSE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT REGARDING ACT NO. 85-343, H. 165, 1985 REGULAR SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislative intent regarding Act No. 85-343, H. 165, 1985 Regular Session, is that the county commission of Randolph County shall either call a special election to determine whether or not the qualified voters of the county wish for the county road system to remain under the

present district or beat line system or be constructed and maintained hereafter under a county unit system or that the county commission place the aforementioned issue on the ballot at the general election on November 4, 1986.

RESOLVED FURTHER, That a copy of this resolution be sent forthwith the members of the county commission of Randolph County that they become aware of our intent behind the legislation.

Approved September 18, 1986

Time: 3:25 P.M.

Act No. 86-676

H.J.R. 76—Reps. Starr, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt,

Starkey, Tanner, Thomas,
Trammell, Turner, Turnham,
Venable, Warren, White (F),
White (G), White (L) and
Zoghby

HOUSE JOINT RESOLUTION

HONORING ALABAMA'S PEACE CORPS VOLUNTEERS SINCE 1962.

WHEREAS, established in 1962 by Act of Congress, the Peace Corps is holding its 25th Annual National Convention, September 18-22, 1986, in Washington, D.C.; and

WHEREAS, there are some 700 Alabama citizens who have served with the Corps since its establishment, and many of this valiant number will join other Peace Corps volunteers from around the nation for the special activities and events to take place in our nation's Capital; and

WHEREAS, those volunteers from the Peace Corps' initial year of service will meet with President Ronald Reagan, and all delegates will be honored at a Congressional reception; and

WHEREAS, our Nation's Peace Corps volunteers are indeed deserving of highest commendation for their roles as ambassadors of peace to nations throughout the world, and as promoters of good will between our country and those in which they served, oftentimes at great sacrifice but always with honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our distinguished Peace Corps volunteers for the past 25 years and, most particularly, our own sons and daughters from the state of Alabama, some 700 strong, for outstanding service to our nation and the world, and in the name of universal peace.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-677

H.J.R. 91—Reps. Clark (J) and Drake

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF EDWARD CECIL VENTRESS OF CLAYTON, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Edward C. Ventress of Clayton, Alabama, on August 30, 1986, at the age of 73 years; and

WHEREAS, Edward Ventress, who was a native of Clayton, attended Davidson College and was a 1933 graduate of the University of Alabama where he was a member of Sigma Chi fraternity; and

WHEREAS, an associate of Munn and Ventress Hardware, Mr. Ventress also was owner-operator of VenCo Egg Plant, Vencrest Poultry Farm and Vencrest Hatchery, and held a number of state offices in the Alabama Poultry Industry Association; and

WHEREAS, he also was an Elder of the Clayton Presbyterian Church, a member of Gideons International, a past member of the Barbour County Board of Education, a past director of the Barbour County Bank in Clayton and served as president of the Clayton Rotary Club from 1953 to 1954; and

WHEREAS, Mr. Ventress, who was elected Mayor of Clayton in 1980 and re-elected in 1984, served with great distinction in that office and is credited with the realization of such progressive projects as the restoration of the Octagon House, the construction of a Rodeo Arena and the building of a prison facility in the City of Clayton; and

WHEREAS, in the death of Mayor Edward C. Ventress, the City of Clayton and Barbour County have indeed lost a dedicated public servant who greatly contributed to the progress of his city and to the well-being of all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Edward C. Ventress of Clayton, Alabama, and direct that a copy of this resolution of sincere condolence be forwarded to his wife, Mrs. Sue Cross Ventress; to his daughter and son, Nora Ann Ventress and Vance Edward Ventress; and to other family members that they may know of our deeply shared sorrow in their great and grievous loss.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-678

H.J.R. 92—Reps. Clark (J) and Drake

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF E. H. "HAMP" GRAVES OF EUFAULA, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the untimely death of Eugene H. "Hamp" Graves of Eufaula, Alabama, on August 30, 1986, at the age of 61 years; and

WHEREAS, Hamp Graves who, at the time of his death, was serving his fourth term as Mayor of the City of Eufaula, was a veteran of World War II, a graduate of the University of Alabama School of Law and a member of Sigma Nu fraternity; and

WHEREAS, a practicing attorney for many years and a member of the State Democratic Party Executive Committee, Mayor Graves also once served as a judge in the Court of Common Pleas for the Eastern District of Barbour County and was a former administrative aide to U. S. Representative George Andrews; and

WHEREAS, Mayor Graves, during his many years of dedicated public service, contributed greatly to the prosperity of the City of Eufaula, and his death has indeed left a deep void in the life of the community he served with a love and devotion that was returned in full measure by the citizens of Eufaula and of Barbour County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Eugene H. "Hamp" Graves of Eufaula, Alabama, and extend our very deepest sympathy to his wife, Mrs. Gracelyn R. Graves; to his son and daughter, Chauncey D. Graves and Sabra G. Graves; and to other family members whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-679

H.J.R. 94—Rep. Campbell

HOUSE JOINT RESOLUTION

COMMENDING WILLIAM MICHAEL HOUSE FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, a native son, born in Birmingham, William Michael House is a graduate of Shades Valley High School and of Auburn University where he was a member of ODK Men's Leadership Honorary and ODE Economics Honorary, and was the first president of Auburn's School of Business; and

WHEREAS, following acquisition of his B.S. degree from Auburn, Mr. House attended the University of Alabama School of Law where

he was a member and president of Phi Alpha Delta legal fraternity, a member of the Bench and Bar Honor Society, president of the Honor Court, and president of the law school his senior year; and

WHEREAS, Mr. House, upon graduation from law school, worked with Congressman James M. Collins from Texas and later with Chief Justice Howell Heflin as his administrative assistant, serving in that capacity until 1976, whereupon he entered the private practice of law in Montgomery, Alabama; and

WHEREAS, while in Montgomery, Mr. House was involved in a number of professional and community activities and, as a member of the Alabama Bar, received the Association's 1974 Award of Merit; he also served as secretary-treasurer, vice-president and president of the Alabama Young Lawyers Association and it was during his tenure as president that the Alabama Young Lawyers Association received awards by the American Bar Association as the number-one young lawyer section in the nation and for the best overall single project in the nation; and

WHEREAS, Mr. House further served as director of the Citizen's Conference on Alabama State Courts, which organization passed the legislation of the Judicial Article, and as director of the Citizen's Conference for a New Constitution; and

WHEREAS, he also was deeply involved in the affairs and activities of the Montgomery and Alabama Jaycees, serving as external vice-president and legal counsel for the state organization; and

WHEREAS, among numerous honors and recognitions bestowed upon Mr. House are Outstanding Young Man of Montgomery (1978) and one of four Outstanding Young Men in Alabama (1979); he is listed in Outstanding Young Men of America, Who's Who in American Law, Who's Who in American Politics, International Who's Who in Community Service and Men and Women of Distinction; and

WHEREAS, in 1979 and 1984, Mr. House was campaign manager for Senator Howell Heflin and currently serves as his administrative assistant and chief of staff in Washington; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest recognition of outstanding professional and personal accomplishment, we hereby commend William Michael House, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved September 25, 1986

Time: 3:00 P.M.

Act No. 86-680

H.J.R. 96—Rep. McKee

HOUSE JOINT RESOLUTION

HONORING AMERICA'S EX-PRISONERS-OF-WAR.

WHEREAS, President Reagan has declared the week of September 15-September 19 as National American Ex-Prisoner-of-War Week; and

WHEREAS, there are now living some 65,000 Ex-Prisoners-of-War in this country who went through imprisonment and risked their lives for the great cause of freedom on battlefields all around the world; and

WHEREAS, some 930 Ex-Prisoners-of-War live in Alabama, including Montgomery's own "Fighting Ed" Dombrowski, who serves as Security Man for the Alabama House of Representatives; and

WHEREAS, on September 15, 1986, at 7:00 p.m., a Candlelight Ceremony was held on the front steps of the new Alabama State House Building in honor of those prisoners of war on foreign soil who have not yet returned home; and

WHEREAS, on Friday, September 19, 1986, at 4:00 p.m., TAPS will be played on the Main Parade Ground at Maxwell Air Force Base as tribute to all American Ex-Prisoners-of-War, living and dead; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we hereby express our gratitude and appreciation to all Alabama's Ex-Prisoners-of-War in recognition of their contribution to our liberties and our well-being.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama State Department of American Ex-Prisoners-of-War.

Approved September 25, 1986

Time: 3:00 p.m.

Act No. 86-681

H. 58—Rep. Holley

AN ACT

To appropriate \$125,932.00 to the Secretary of State out of the Fund No. 300398, notwithstanding the provisions of Title 5, Chapter 2A, Section 20 of the Code of

Alabama, 1975 for the fiscal year 1986-1987 to implement the provisions of Act 86-507. To appropriate \$175,000 to the Farm Crisis and Transition Program and Commission out of State Fund No. 300398, notwithstanding the provisions of Title 5, Chapter 2A, Section 20 of the Code of Alabama, 1975 for the fiscal year 1986-1987 to implement the provisions of Act 86-422.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$125,932.00 from the State Fund No. 300398, notwithstanding the provisions of Title 5, Chapter 2A, Section 20 of the Code of Alabama, 1975 to the Secretary of State for the fiscal year commencing October 1, 1986, for the purpose of implementing the provisions of Act 86-507 of the Alabama legislature.

Section 2. There is hereby appropriated the sum of \$175,000 from State Fund No. 300398, notwithstanding the provisions of Title 5, Chapter 2A, Section 20 of the Code of Alabama, 1975 to the Farm Crisis and Transition Program and Commission for the fiscal year commencing October 1, 1986, for the purpose of implementing the provisions of Act 86-422 of the Alabama Legislature.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-682

H. 46—Rep. Browder

AN ACT

To amend Section 12-13-33, Code of Alabama 1975, so as to provide for an increase in the amount of the bond of probate judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-13-33, Code of Alabama 1975, is hereby amended to read:

“The official bond of the probate judge shall be determined by the use of the following table based on a percentage of the total annual collections recorded in the latest audit report for each office published at least four months prior to the date the bond is required to be filed:

TABLE FOR COMPUTING AMOUNT OF BOND

Annual Collections

Over	But Not Over	Amount of Bond	Of Excess Over
Zero	\$ 250,000	\$25,000	_____
\$ 250,000	\$1,000,000	\$25,000+5%	\$ 250,000
\$1,000,000	_____	\$62,500+1%	\$1,000,000"

Section 2. This act shall become effective the first day of the third month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 25, 1986

Time: 4:00 P.M.

Act No. 86-683

S.J.R. 73—Senators Cabaniss, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

PROPOSING THAT THE LEGISLATURE STAND IN RECESS BETWEEN THE HOURS OF 2 P.M. AND 4:30 P.M. ON THURSDAY, SEPTEMBER 18, 1986, THE TIME OF PRESIDENT REAGAN'S VISIT TO MONTGOMERY.

WHEREAS, President Ronald Reagan has indicated his respect and affection for the State of Alabama by previous visits to the state, the most recent of which was a visit to Dothan which was most enthusiastically received; and

WHEREAS, many of us remember the President's visit to the Capitol in 1982, when he addressed a joint session of the Legislature; and

WHEREAS, President Reagan is regarded by a great many Alabamians as a very strong and popular leader, whose charisma and communication abilities are without parallel; and

WHEREAS, President Reagan is scheduled to be in the Capital City of Alabama on Thursday, September 18, for an address to be delivered at the Montgomery Civic Center; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the Legislature stand in recess on the Eighth Legislative Day, September 18, 1986, between the hours of 2 P.M. and 4:30 P.M., out of respect for the President of the United States of America.

Approved September 29, 1986

Time: 3:00 P.M.

Act No. 86-684

S. 2—Senator Denton

AN ACT

To amend Section 40-6-1, Code of Alabama 1975, which provides for the qualifications of supernumerary tax collectors, tax assessors, license commissioners or revenue commissioners, so as to provide further for said qualifications.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-6-1, Code of Alabama 1975, is hereby amended to read as follows:

“§40-6-1.

“(a) In the various counties of the state of Alabama having a population of less than 600,000 inhabitants according to the last or any subsequent federal decennial census, any tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes in any county of the state of Alabama:

“(1) Who has served for 14 years as such official in any county of Alabama and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians;

“(2) Who has served for 12 years as a county official for any county of Alabama, at least 10 years or more being continuously as tax collector, tax assessor, license commissioner, revenue commissioner or other elected official charged with the assessment and/or collection of ad valorem taxes, and who is not less than 60 years of

age, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of the county in which he serves as such official by filing a written declaration to that effect with the governor of the state of Alabama. If the governor of the state of Alabama shall find any such declarant qualified either under subdivision (1) or (2) of this subsection, a commission as supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes for the county in which he has served in the state of Alabama shall thereupon be issued to such declarant by the governor of the state of Alabama. In computing length of service as such official, the time served as any other county wide elected official of the county and/or the time served as chief clerk of the tax collector, tax assessor or license commissioner of any county shall be counted; or elected state and city official;

“(3) Any person who has served 18 years as a county official for any county of Alabama, the last six or more years as tax collector, tax assessor, revenue commissioner, license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, and prior thereto at least 12 years as chief clerk to the tax collector, tax assessor, revenue commissioner or license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, and who is not less than 60 years of age or who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official by filing a written declaration to that effect with the governor of the state of Alabama. If the governor shall find that any such declarant is qualified under this subdivision, a commission as supernumerary tax collector, tax assessor, revenue commissioner or license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, as the case may be, for the county in which he has served shall be issued to the declarant; or

“(4) Who has served for fifteen (15) years as a county official for any county of Alabama, at least nine (9) or more being continuously as tax collector, tax assessor, license commissioner, revenue commissioner or other elected official charged with the assessment and/or collection of ad valorem taxes, and who is not less than sixty (60) years of age, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of the county in which he serves as such official

by filing a written declaration to that effect with the governor of the state of Alabama. In computing length of service as such official, the time served as any other elected state, county, or city official shall be counted. If the governor shall find that any such declarant is qualified under this subsection, a commission as supernumerary tax collector, tax assessor, revenue commissioner, license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, as the case may be, for the county in which he has served shall be issued the declarant.

“(b) Any person serving as a supernumerary official on April 27, 1977 shall not be affected by this section.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986.

Time: 3:30 P.M.

Act No. 86-685

S. 53—Senator Drinkard

AN ACT

To amend §§36-27A-1, 36-27A-2, 36-27A-3, and 36-27A-6, relating to the Public Employees' Individual Retirement Account Fund so as to authorize the board to provide any tax deferred saving plan authorized by the federal government for public employees covered by a mandatory public pension plan.

Be It Enacted by the Legislature of Alabama:

Section 1. §36-27A-1 is hereby amended to read as follows:

“§36-27A-1. It is the intent of the legislature to make available to the public employees of the state of Alabama, a public employees' individual retirement account plan and/or any other tax avoidance or deferral plan permitted by federal law so as to enable said employees to conveniently and economically receive the fullest benefits offered by the federal tax law as it relates to tax deferred savings plans for public employees covered by a mandatory public retirement plan.”

Section 2. §36-27A-2 is hereby amended to read as follows:

“§36-27A-2. There is hereby created a fund or funds which shall be known collectively as the public employees' individual retirement account fund (PEIRAF). The PEIRAF shall be administered by the secretary-treasurer of the employees' retirement system under the supervision and direction of a board of control which shall be

composed of members of the investment committees of the teachers' and employees' retirement systems of Alabama."

Section 3. §36-27A-3 is hereby amended to read as follows:

"§36-27A-3. The board of control is hereby empowered and authorized to promulgate such rules and regulations as may be necessary to implement the provisions of this chapter, and to define terms, words and/or phrases incident thereto, provided such rules shall conform to the requirements of the Internal Revenue Code. The board of control may in its discretion adopt one or more tax deferred savings plans authorized by the federal government if it finds that doing so will offer substantial tax benefits to any segment of the public employees covered under the provisions of this chapter."

Section 4. §36-27A-6 is hereby amended to read as follows:

"§36-27A-6. Contributions to the PEIRAF may be deducted from each participating employee's compensation or retirement allowance and transmitted to the PEIRAF in accordance with any limitations imposed by federal tax law for any tax deferred savings plan offered pursuant to the provisions of this chapter and pursuant to such rules and regulations as shall be promulgated by the board."

Section 5. All laws or parts of laws which conflict with this act are hereby repealed, only to the extent of such conflict.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986.

Time: 3:30 P.M.

Act No. 86-686

S. 69—Senator Bennett

AN ACT

To provide for an assignment to the Department of Human Resources of the right to any support owed to or for a child either in the custody of the Department of Human Resources and receiving foster care or receiving foster care maintenance payments under Title IV-E of the Social Security Act; to provide the Department of Human Resources with the authority to bring actions to establish, modify, or enforce a support obligation with respect to such child; to provide that a support obligation may be ordered at the time custody is granted to the Department of Human Resources;

and to provide that the Department of Human Resources may collect and distribute support in accordance with rules published by the Department of Human Resources.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, the following terms shall have the following meanings:

(a) "Child." A minor or disabled child.

(b) "Custody." A legal status created by court order.

(c) "Department." The Department of Human Resources of the State of Alabama, including the state and county departments of Human Resources.

(d) "Foster Care." Services for children outside of their own homes provided on a 24-hour basis in a licensed or approved facility.

Section 2. Either upon granting of custody of a child to the department and the provision of foster care or upon the department's making foster care maintenance payments on behalf of a child under provisions of Title IV-E of the Social Security Act, the department shall by operation of law be assigned the right to any support owed to or for such child. The assignment:

(a) shall be effective as to both current and accrued support obligations; and

(b) shall terminate when the department is no longer providing foster care, except with respect to the amount of any unpaid support obligation accrued under the assignment.

Section 3. The department may take action under this chapter or any other appropriate state and federal statutes to assure that the parent or parents of a child in the custody and care of the department or otherwise receiving foster care maintenance payments under Title IV-E of the Social Security Act, provide support for such child. An order for support may be made at the time custody is granted to the department and may be made a part of the custody order.

Section 4. Support collections made pursuant to the provisions of this Act shall be paid to the department or its designee and distribution thereof shall be made in accordance with rules published by the department.

Section 5. The provisions of this Act are severable. If any portion of this Act shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Act.

Section 6. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986.

Time: 3:30 P.M.

Act No. 86-687

S. 37—Senator Bishop

AN ACT

To amend Section 40-12-248, Code of Alabama 1975, as amended, so as to provide further for the weight and cost classifications of licenses for certain trucks and truck tractors which are owned and operated to transport certain farm or forest products; to provide for a weight variance for climatic conditions; and to provide that the provisions of this act shall be cumulative except to the extent there is a direct conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-248, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

“§40-12-248.

“(a) For each truck or truck tractor using the public highways of this state, annual license taxes and registration fees based on the gross vehicle weight in pounds are hereby imposed and shall be charged. For the purposes of this section, the term ‘gross vehicle weight’ shall mean the empty weight of the truck or truck tractor plus the heaviest load to be carried and, in the case of combinations, shall be deemed to include also the empty weight of the heaviest trailer with which the power unit shall be placed in combination, plus the heaviest load to be carried. No tolerance or margin of error shall be allowable under any of the provisions of this section, except as provided in subsection (b).

“(b) For each truck or truck tractor using the public highways of this state, the annual license taxes and registration fees herein imposed (i) shall consist of the base amount applicable to such truck or truck tractor under the schedule of base amounts set forth in this subsection, plus (ii) the additional amount, if any, applicable to such truck or truck tractor under the provisions of the schedule of additional amounts set forth in this subsection:

SCHEDULE OF BASE AMOUNTS

Gross Vehicle Weight in Pounds	Base Amount
0 to 8,000	\$ 10.70
8,001 to 12,000	52.50

12,001 to 18,000	85.00
18,001 to 26,000	117.50
26,001 to 33,000	150.00
33,001 to 42,000	260.00
42,001 to 55,000	292.50
55,001 to 64,000	325.00
64,001 to 73,280	357.50
73,281 to 80,000	390.00
80,001 or over	422.50

SCHEDULE OF ADDITIONAL AMOUNTS

Gross Vehicle Weight in Pounds	Additional Amounts
0 to 8,000	\$ 2.30
8,001 to 12,000	52.50
12,001 to 18,000	85.00
18,001 to 26,000	117.50
26,001 to 33,000	150.00
33,001 to 42,000	260.00
42,001 to 55,000	292.50
55,001 to 64,000	325.00
64,001 to 73,280	357.00
73,281 to 80,000	390.00
80,001 or over	422.50

“The total amount of the said annual license tax and registration fee shall be limited with respect to trucks owned and used by a farmer for transporting farm products or the personal property of the farmer for his use on his farm to a maximum of \$30.00 where the gross vehicle weight of the truck does not exceed 30,000 pounds and to a maximum of \$85.00 where the gross vehicle weight of the truck exceeds 30,000 but does not exceed 42,000 pounds, and the same annual license tax and registration fee shall be limited with respect to trucks owned and used by any person for transporting forest products from the point of severance to a sawmill, to a papermill or to a concentration yard to a maximum of \$40.00 where the gross vehicle weight of the truck does not exceed 30,000 pounds and to a maximum of \$65.00 where the gross vehicle weight exceeds 30,000 pounds but does not exceed 42,000 pounds.

“For purposes of enforcement of farm truck license tags, or forest products truck license tags for trucks that do not exceed 42,000 pounds in gross vehicle weight, all scaled weight shall be allowed a tolerance or a margin of error of ten percent of the true gross or axle weights to allow for any climatic conditions.

“For each truck tractor which is operated by a certificated motor carrier and which is operated exclusively within 15 miles of the

corporate limits of the incorporated municipality in which it is customarily domiciled, but not including vehicles operating beyond the borders of Alabama, and which is registered in the county in which it is customarily domiciled, a total annual license tax and registration fee of \$300.00 is hereby imposed and shall be charged.

“(c) Every person making application for license under this section to use a truck or truck tractor on the public highways of this state shall be required to make an affidavit declaring the gross vehicle weight of such truck or truck tractor and file the said affidavit with the judge of probate, or other county licensing officer, in the county in which the said application is made. Upon payment of the applicable motor vehicle license tax or registration fee, the license to use the said truck or truck tractor on the public highways of this state shall be limited to the gross vehicle weight so declared by the owner, which shall be deemed to constitute the allowable gross vehicle weight for which the said vehicle is licensed.

“After having obtained a license under this section with respect to any truck or truck tractor, the owner thereof may during the then current tax year voluntarily increase the allowable gross vehicle weight for which his vehicle is licensed by making a new affidavit, applying for a new license applicable to the appropriate gross vehicle weight classification, surrendering the license plates or tags previously obtained, and paying the difference between the fees applicable to a license for the higher weight classification desired and the fee in respect of the license so surrendered. The license classification of a truck or truck tractor may not be decreased, however, except once a year at the time new license tags or plates are purchased for such truck or truck tractor.”

Section 2. The provisions of this act shall be cumulative to any and all laws or parts of laws relating to licenses, taxes and registration fees for trucks and truck tractors used to transport farm or forest products, except to the extent there is a direct conflict herewith.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986.

Time: 3:30 P.M.

Act No. 86-688

S. 25—Senators Drinkard, Bennett
and Dixon

AN ACT

To amend Section 22-21-271 Code of Alabama 1975, so as to provide further for the application fees for certificate of need applications.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-271, Code of Alabama 1975, is hereby amended to read as follows:

“§22-21-271.

(a) Each application for a certificate of need shall be accompanied by a fee of one percent of the estimated cost of the proposed cost of the new institutional health service, or a maximum of \$10,000.00 per application. Provided, that the application fee shall be one half of one percent of the estimated cost of the proposed cost of the new institutional health service, or a maximum of \$4,000.00 if the applicant has had an average daily census comprised of fifty percent (50%) or more medicaid patients within the last year prior to the filing of the application. The minimum fee shall be set by the SHPDA. Fees shall be used for the purpose of defraying the lawful operating expense of the certificate of need program conducted by the State Health Planning Agency and of the Statewide Health Coordinating Council.

(b) Application fees collected for issuance of a certificate of need for planning shall be deducted from the fee required for the certificate of need for the actual construction work planned as a result of the certificate of need for planning.

(c) There is hereby authorized to be appropriated from the general funds of the state of Alabama such amounts as may be necessary from time to time to defray the costs of administering this article over and above such fees as may be collected under this section.

(d) Application fees collected under this article shall not be refundable. Fees collected under this article are hereby appropriated for the purposes stated in this article.

(e) All fees collected under this article shall be retained in a separate fund for the purpose of enforcing and administering this article, and shall be disbursed as other funds of the state are disbursed. Any revenue in excess of \$375,000 collected from application fees authorized in Section 22-21-271 of the Code of Alabama 1975, shall be deposited into the State General Fund.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986.

Time: 3:30 P.M.

Act No. 86-689

H. 61—Reps. Drake, Coburn, Clark (J),
Johnson (RW) and Mikell

AN ACT

To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify and remove ambiguity from, the definitions "gross proceeds of sale", "gross receipts" and "sale at retail or retail sale." The intent of this bill is to repeal the 1983 amendment of these definitions so as to replace the repealed definitions with the pre-existing definitions of these terms; and it is further intended that no provision of this bill is to be construed or interpreted in any manner inconsistent with the pre-existing body of interpretative materials, policies, and court decisions as in existence prior to the 1983 amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-1, Alabama Code, 1975, as amended, is further amended to read as follows:

(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

(1) **PERSON** or **COMPANY**. Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(2) **DEPARTMENT**. The department of revenue of the state of Alabama.

(3) **COMMISSIONER**. The commissioner of revenue of the state of Alabama.

(4) **TAX YEAR** or **TAXABLE YEAR**. The calendar year.

(5) **SALE** or **SALES**. Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. Provided, however, a transaction shall not be closed or a sale completed until the time and place when and where title is transferred by the seller or seller's agent to the purchaser or purchaser's agent, and for the purpose of

determining transfer of title, a common carrier or the U.S. Postal Service shall be deemed to be the agent of the seller, regardless of any F.O.B. point and regardless of who selects the method of transportation, and regardless of by whom or the method by which freight, postage or other transportation charge is paid. Provided further that, where billed as a separate item to and paid by the purchaser, the freight, postage or other transportation charge paid to a common carrier or the U.S. Postal Service is not a part of the selling price.

(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and "gross proceeds of sales" shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term "gross proceeds of sale" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

(7) TAXPAYER. Any person liable for taxes hereunder.

(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever and without any deductions on account of losses. Said term "gross receipts" shall also mean and include the reasonable and

fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by and person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

(9) WHOLESALE SALE OR SALE AT WHOLESALE. Any one of the following:

a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, whether or not any such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it becomes a component of the finished product; provided, however that it is the intent of this section that no capital equipment, machinery, tools, or product, except for those materials essential for the reaction process and in direct contact with the intermediate and finished product used for the production of the finished product shall be exempt and the furnished container and label thereof;

c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons;

d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons;

e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

g. A sale of bagging and ties used in preparing cotton for market;

h. A sale to meat packers, manufacturers, compounders, or processors of meat products of all casings used in molding or forming weiners and Vienna sausages even though such casings may be recovered for reuse;

i. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

j. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person, which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

(10) **SALE AT RETAIL OR RETAIL SALE.** All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by

them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property by any one who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of

Alabama, has registered with the department of revenue, and has received therefrom a certificate of such registration or, if a nonresident of this state purchasing lumber for resale outside the state of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1.

(d) The dispensing or transferring of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses and other therapeutic optic devices, to a patient by a licensed ophthalmologist or optometrist, as a part of his or her professional service, shall not, for purposes of this division, be deemed or considered to constitute a sale, subject to the state sales tax. Such licensed ophthalmologist or optometrist shall be considered the ultimate consumer of the ophthalmic materials and shall have no responsibility or duty pursuant to this division for the collection of the state sales tax. The sale of the ophthalmic materials to a licensed ophthalmologist or optometrist by a supplier thereof shall be considered a retail sale subject to the state sales tax, and the supplier shall be responsible for collecting such sales tax from the licensed ophthalmologist or optometrist. In no event shall the providing of professional services in connection with the dispensing or transferring of ophthalmic materials by a licensed ophthalmologist or optometrist be considered a sale subject to the state sales tax. All transfers of ophthalmic materials by opticians shall be considered retail sales subject to the state sales tax. The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling ophthalmic materials to ophthalmologists and optometrists.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986.

Time: 3:30 P.M.

Act No. 86-690

H. 62—Reps. Drake, Coburn, Clark (J)
and Johnson (RW)

AN ACT

To further amend Section 40-23-60, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify and remove ambiguity from, the definition "sale at retail or retail sale." The intent of this bill is to repeal the 1983 amendment of this definition so as to replace the repealed definition with the pre-existing definition of this term; and it is further intended that no provision of this bill is to be construed or interpreted in any manner inconsistent with the pre-existing body of interpretative materials, policies, and court decisions as in existence prior to the 1983 amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-60, Alabama Code, 1975, is amended to read as follows:

For the purpose of this article, the following terms shall have the respective meanings ascribed to them in this section:

(1) **PERSON or COMPANY.** Any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(2) **DEPARTMENT.** The department of revenue of the state of Alabama.

(3) **COMMISSIONER.** The commissioner of Revenue of the state of Alabama.

(4) **WHOLESALE SALE or SALE AT WHOLESALE.** Any one of the following:

a. A sale of tangible personal property by wholesaler to licensed retail merchants, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, and the furnished container and label thereof;

c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to

persons who sell or furnish such containers along with the contents placed therein for sale by such persons;

d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons;

e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

g. A sale of bagging and ties used in preparing cotton for market;

h. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

i. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

j. A purchase or withdrawal of parts or materials from stock by any person licensed under this article where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person;

k. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in moulding or forming weiners and Vienna sausages, even though such casings may be recovered for reuse.

(5) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sale of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold.

Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale; and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same, and such wholesale purchaser shall report and pay the taxes thereon. The term "retail sale" or "sale at retail" shall also mean and include the sale of tangible personal property previously purchased at wholesale for the purpose of leasing or renting under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title, regardless of whether such sale is to the person who theretofore leased or rented the said tangible personal property or to some other person.

(6) **BUSINESS.** All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

(7) **STORAGE.** Any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

(8) **USE.** The exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

(9) **PURCHASE.** Acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by whatsoever means the same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

(10) **SALES PRICE.** The total amount for which tangible personal property is sold, including any services, including transportation, that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

(11) **IN THIS STATE or IN THE STATE.** Within the exterior limits of the state of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

(12) **AUTOMOTIVE VEHICLE.** A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986.

Time: 3:30 P.M.

Act No. 86-691

H. 123—Reps. Mitchell and Newman

AN ACT

Relating to the 24th Judicial Circuit; providing that the district attorney shall receive a monthly expense allowance from the district attorney's fund in the two counties of the circuit other than the county where the presiding judge's principal office is located.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the 24th judicial circuit shall receive a \$500.00 per month expense allowance to be paid by the district attorney's funds in the two counties of the circuit which do not contribute to the expense allowance of the presiding judge under Act No. 86-553, S. 641, 1986 Regular Session (Acts 1986, p.). One-half of the district attorney's expense allowance shall be paid by each of the two counties. Said allowance shall be for in-circuit travel and travel related expenses. Said expense allowance shall be in addition to all other expense allowances, salary or other compensation presently authorized.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986.

Time: 3:30 P.M.

Act No. 86-692

H. 125—Rep. Britnell

AN ACT

To alter and rearrange the boundaries of the Town of Phil Campbell in Franklin County, so as to include certain territory into the corporate limits of the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the town of Phil Campbell in Franklin County are hereby altered and rearranged so that the following described territory shall be included into the area embraced within the corporate limits of the town and shall form a part of the town, to-wit:

Commence at NE corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$; thence S 130' plus-minus to Northerly right-of-way of County Hwy. #12 and the beginning of the herein described strip of land; thence westerly along said right-of-way 1455' plus-minus to the West line of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$; thence S 100' plus-minus to the Southerly right-of-way of County Hwy. #12; thence Easterly along said right-of-way 1435' plus-minus to the East line of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$; thence N 80' plus-minus to the point of beginning.

ALSO: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying S of Co. Hwy. #12 and W $\frac{1}{2}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$. All lying and being in Section 19 T8S R11W. Franklin County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986.

Time: 3:30 P.M.

Act No. 86-693

H. 147—Reps. Richardson and Hall

AN ACT

Relating to Jackson County; authorizing the County Commission to set the fee schedule for mailing out motor vehicle license plates and/or any other licenses or notices issued by the Probate Office.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jackson County Commission is hereby authorized and empowered, from time to time, to set the fee schedule for mailing out motor vehicle license plates and/or any other licenses or notices issued by the Probate Office. The County governing body shall also be responsible for any errors made pertaining to the mail out of the above license.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 29, 1986

Time 3:30 P.M.

Act No. 86-694

H.J.R 99—Reps. Mitchell, Adams, Albright,
Bachus, Beasley, Beers, Biddle,
Black, Blake, Blakeney, Boles,
Bowling, Box, Brakefield,

Britnell, Brooks, Browder,
 Bryant, Bugg, Burke,
 Buskey (JE), Buskey (JL),
 Butler, Campbell, Carothers,
 Carter, Clark (D), Clark (J),
 Clark (W), Coburn, Coleman,
 Cosby, Crow, Davis, Drake,
 Dutton, Escott, Faulk, Flowers,
 Ford, Fuller, Gaston, Goodwin,
 Gray, Grayson, Hall, Hammett,
 Harper, Harvey, Hettinger,
 Holley, Holmes, Hooper,
 Johnson (RG), Johnson (RW),
 Junkins, Kennedy, Kvalheim,
 Laird, Lauderdale, Lindsey,
 McDowell, McKee, McMillan,
 McNair, Marietta, Martin,
 Mathis, Melton, Mikell, Moore,
 Newman, Newton, Nicholson,
 Onderdonk, Parker, Payne,
 Penry, Perdue, Poole, Pratt,
 Preuitt, Rains, Reed, Rice,
 Richardson, Rogers, Sasser,
 Seibels, Smith, Spratt, Starkey,
 Starr, Tanner, Thomas,
 Trammell, Turner, Turnham,
 Venable, Warren, White (F),
 White (G), White (L) and
 Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT KEITH GROUBY.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Robert Keith Grouby of Prattville, son of Representative and Mrs. Edward Arthur Grouby, Jr.; and

WHEREAS, Robert Keith Grouby was married to his high school sweetheart Jane "Jae" Grouby who is a teacher at Marbury Elementary School; and

WHEREAS, he was a kind and gentle and humble person who was always considerate of those who were less fortunate than he; and

WHEREAS, in devotion to duty and in the line and scope of his profession, he would come to the aid of those in need in his community any time of day or night; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Robert Keith Grouby and express our deep and sincere sympathy to his widow, Jane Grouby, and his parents, Representative and Mrs. Edward Arthur Grouby, Jr., to whom copies of this resolution shall be sent.

Approved September 29, 1986

Time: 3:30 P.M.

Act No. 86-695

S. 106—Senator Covington

AN ACT

Relating to Dale County; authorizing the Dale County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; and providing for an advisory referendum on the issue of adding such additional county tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The Dale County Commission is hereby authorized to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Dale County a county privilege, license or tax in the following amounts:

(a) Five cents (\$0.05) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) Two cents (\$0.02) for each cigar of any description made of tobacco or any substitute therefor.

(c) Two cents (\$0.02) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which are prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(d) Three cents (\$0.03) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subsection (c) of this section.

(e) Three cents (\$0.03) for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other federal, state or local taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. (a) Upon adoption of a resolution by the Dale County Commission, every person, firm, corporation, club, or association that sells or stores or receives for the purpose in Dale County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products.

(b) Prior to adopting such resolution provided for in Section 2 (a), the said commission shall first call for a nonbinding advisory referendum on the question of imposing the additional county tax on cigarettes and tobacco products as described by this act. Said election shall be held and conducted as nearly as possible in the same way as county-wide elections and shall be held on the first Tuesday 90 days after the sine die adjournment of the legislative session in which this act is enacted. Notice of the election shall be given by the judge of probate of Dale County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law levying an additional cigarette and tobacco products tax? Yes () No ()."

Section 3. The tax hereby authorized shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those

sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 4. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully set out herein.

Section 6. The proceeds from the tax hereby authorized, less the actual cost of collection not to exceed five per centum (5%) shall be paid by the state department of revenue to the Dale County Association of Fire Departments, Incorporated, on a quarterly basis, and will be expended at the discretion under the Rules and Regulations and Bylaws of the Dale County Association of Fire Departments, Incorporated.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

(b) This statute shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-696

S. 110—Senator Bedsole

AN ACT

Relating to Mobile County; to provide for the allocation of up to fifty percent (50%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 310, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. In accordance with the terms of Constitutional Amendment 351, as amended, tax revenues generated by the ad valorem tax levied and collected in accordance with the terms of Act No. 310, H. 593, Regular Session 1976 (Acts 1976, p. 353), are hereby authorized to be allocated, used and otherwise expended for general health purposes by the Mobile County Board of Health; provided, however, the portion of said tax receipts allocated used and otherwise expended for general health purposes shall in no event exceed fifty percent of the total proceeds of such tax.

Section 2. This Act shall be construed in para materia with Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), and shall not be interpreted to repeal any provision thereof. The use of such funds authorized by Section 1 of this Act shall be in addition to any other use or uses previously authorized by the laws of the State of Alabama.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any provision of this Act is held to be invalid or unconstitutional, the remainder of this Act shall not be affected thereby and shall remain in full force and effect.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-697

S. 103—Senator Teague

AN ACT

To further amend Section 16-25A-1, Code of Alabama 1975, as amended, relating to the health insurance for public education employees, so as to include the employees of the Alabama Institute for the Deaf and Blind.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-25A-1, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

“§16-25A-1.

“When used in this chapter, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) **EMPLOYEE.** Any person who is employed full-time in any public institution of education within the state of Alabama which provides instruction at any combination of grades K through 14 exclusively, under the auspices of the state board of education or the Alabama Institute for the Deaf and Blind; provided, any person employed part-time by any public institution of education within the state of Alabama which provides instruction at any combination of grades K through 14, exclusively, under the auspices of the state board of education or the Alabama Institute for the Deaf and Blind, shall be included in the definition of employee if such person shall agree to have deducted from his compensation a pro rata portion of the premium cost of a full-time employee, based on the percentage of time such person is employed, in accordance with such rules and regulations as shall be adopted by the board.

“(2) **RETIRED EMPLOYEE.** Any person receiving a monthly benefit from the teachers’ retirement system, who at the time of his retirement was employed by a public institution of education within the state of Alabama which provided instruction at any combination of Grades K-14, exclusively, under the auspices of the state board of education. Any person receiving a monthly benefit from the teachers’ retirement system who at the time of his retirement was employed by a state-supported postsecondary institution and any person receiving a monthly benefit from the employees’ retirement system whose retirement under the employees’ retirement system was from a local board of education or a state-supported postsecondary institution who participated pursuant to section 36-27-6.

“(3) **BOARD.** The public education employees’ health insurance board.”

Section 2. The provisions of this act shall become effective October 1, 1987.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-698

S. 86—Senator Covington

AN ACT

To amend the title and Section 1 of Act No. 212, H. 576, 1959 Regular Session (Acts 1959, p. 751), entitled "An Act To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof," so as to provide for the coroner's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 212, H. 576, 1959 Regular Session (Acts 1959, p. 751), relating to the coroner of Dale County are hereby amended as follows:

"An Act To provide for a certain monthly salary for such coroner to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such coroner.

"Section 1. Beginning with the next term of office and thereafter, the coroner of Dale County shall be entitled to receive a monthly salary in the amount of \$500 to be paid from the county general fund with such salary being paid in lieu of any salary and expense allowances heretofore provided by law for such coroner."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-699

S.71—Senator Bennett

AN ACT

To provide that a court of this State may require an obligor to post bond, give security, or give some other guarantee to secure the payment of overdue support or compliance with visitation orders.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, the following terms shall have the following meanings:

(a) "Support." Support of any child, with respect to whom a support order exists, and support of a spouse or former spouse with

respect to whom a support order exists where incidental to an order of child support as required by Title IV-D of the Social Security Act.

(b) "Overdue Support." A delinquency in an obligation of "support", as such term is defined in this section, said obligation having been previously determined under a court order or judgment.

(c) "Obligor." Any person required to make payments under the terms of a support order or comply with visitation orders.

(d) "Obligee." Any person or entity which is entitled to receive support pursuant to a support order and who is receiving support services from the Department of Human Resources pursuant to Title IV-D of the Social Security Act.

Section 2. (a) In addition to any other remedy provided by law where an action is initiated for the enforcement of support, a court of this State having jurisdiction over the enforcement action may in its discretion, where request therefor is included in the petition or other pleading, issue an order requiring the obligor to post a bond, give security, or give some other guarantee to secure the payment of overdue support or compliance with visitation orders. The amount of security, bond, or other payment guarantee to be required is at the discretion of the court. Provided, that the petition or other original pleading shall clearly notify the obligor that, in addition to the relief being sought through the underlying enforcement proceeding, the petitioner or complainant is seeking to have the court set a bond, security, or other guarantee of payment. The obligor shall have the opportunity to be heard on the matter of the bond, security, or other guarantee of payment at the time of the hearing on the enforcement action.

(b) If the required payments are not made as ordered and the security, bond, or other guarantee to secure payment is forfeited, the proceeds therefrom shall be applied to the support due.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-700

S. 90—Senator Little

AN ACT

To amend Section 36-1-7, Code of Alabama 1975, which provides for the state employee suggestion award program, so as to provide further for said program.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-1-7, Code of Alabama 1975, is hereby amended to read as follows:

“Section 36-1-7.

“(a) There is hereby established an employee suggestion award program for employees of state government, including employees who are under the merit system and those who are not under the merit system. Under this program cash or honorary awards may be made to state employees whose adopted suggestions will result in substantial savings or improvement in state operations.

“(b) There is hereby established an employee suggestion award board which shall be composed of the finance director, the budget officer, the state personnel director, the director of the legislative fiscal office, the executive director of the Alabama state employees association, the chairman of the senate finance and taxation committee, the chairman of the house ways and means committee, one member of the house of representatives to be appointed by the speaker of said house and one member of the senate to be appointed by the lieutenant governor.

“(c) It shall be the duty of the board to adopt rules governing its proceedings, to elect a chairman and secretary, to keep permanent and accurate records of its proceedings, to establish criteria for making awards, to adopt rules and regulations to carry out the provisions of this section, including the power to exclude certain classifications of employees from this section, and to approve each award made.

“(d) The maximum cash award approved shall be limited to 10 percent of the first year’s estimated savings, or \$2,000.00, whichever is less. Any cash awards approved by the board shall be charged against the appropriation item or items to which estimated savings apply or made from any appropriations made to the employee suggestion award program.

“(e) No elected official or department head shall be eligible to be considered as a recipient under this section.

“(f) Any department which recommends to the employee suggestion award board that an employee’s suggestion be adopted, and said recommendation is ratified by the board, shall implement the suggestion within a reasonable length of time or shall report to the board in writing the reasons why the department is unable to make the recommended changes. Said report to the board is due within 180 days following notice to the department that a cash award has been approved.”

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-701

S. 92—Senator Dial

AN ACT

To provide that any person who became a member of the employees' retirement system through the participation of Randolph County, who was a member of the system on October 1, 1975, and who prior to such date had been ineligible to receive credit for service rendered as an employee prior to October 1, 1945, for reasons other than having been employed as a nonmember, shall be eligible under certain conditions to receive credit for all service as an employee rendered by him prior to date of establishment of the retirement system; and to provide that this act shall apply to both present employees and retired employees of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who became a member of the employees' retirement system through the participation of Randolph County in such system, who was a member of the system on October 1, 1975, and who prior to such date had been ineligible to receive credit for service rendered as an employee prior to October 1, 1945, for reasons other than having been employed as a nonmember, shall be eligible under the provisions of Article 1, Chapter 27, Title 36, Code of Alabama 1975, to receive credit for all service as an employee rendered by him prior to the date of establishment of the retirement system; provided, that such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said fund; and provided, that said member has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system.

Section 2. The provisions of this act shall apply to both present employees of Randolph County and retired employees of Randolph County.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-702

S. 95—Senator Bedford

AN ACT

Relating to Fayette County; providing for an additional allowance for election officials appointed to conduct elections.

Be It Enacted by the Legislature of Alabama:

Section 1. In Fayette County, all inspectors, assistant inspectors and technical assistants appointed to conduct elections at the various polling places are hereby entitled to an additional per diem allowance in such amount as will, together with any amount paid by the state, make a total paid to such officials Thirty-Five Dollars (\$35.00) for each day they work at the polls. Such officials, when acting as returning officers, shall also be entitled to such mileage allowance as may be prescribed by law.

Section 2. In Fayette County, all clerks appointed to conduct elections at the various polling places are hereby entitled to an additional per diem allowance in such amount as will, together with any amount paid by the State, make a total paid to such officials Twenty-Eight Dollars (\$28.00) for each day they work at the polls.

Section 3. If the amount paid to such officials as compensation or expense allowance by the State increases in the future, then the amount paid by the county under this act shall automatically decrease in a like amount.

Section 4. The expense allowances provided for in this act shall be paid from the general fund of the county.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-703

S. 17—Senator Foshee

AN ACT

Relating to Covington County; authorizing the county commission to levy and collect a one percent sales tax paralleling the state sales tax provided for in Sections

40-23-1, 40-23-2, 40-23-4, Code of Alabama 1975, providing for the collection of such tax by the state department of revenue; providing for distribution and use of the proceeds; and prescribing penalties and fixing punishment for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply to Covington County.

Section 2. All words, terms, and phrases as defined in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, providing for the levy of a state sales tax shall wherever used in this act, have the same meanings respectively ascribed to them, in said sections except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

“State sales tax statutes” means Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, which levy a certain retail sales tax, and include all statutes, including amendments to said sections which expressly set forth any exemptions from the computation of the tax levied by said sections and all other statutes which expressly apply to, or purport to affect, the administration of said sections and the incidence and collection of the tax imposed therein:

“State sales tax” means the tax imposed by the state sale tax statutes:

“Month” means the calendar month;

“County” means Covington County;

“County Commission” means the Covington County Commission.

Section 3. The Covington County Commission is hereby authorized to levy and impose a one percent sales or gross receipts tax upon the sales of all tangible personal property sold in Covington County, Alabama.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 4. The sales taxes authorized to be levied in Section 3 of this act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the months in which the tax accrues. All taxes levied in this act shall be paid

to and collected by the state department of revenue at the same time and along with the collection of the state sales tax. On or prior to due dates of the tax herein levied each person subject to such tax shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all such sales and gross receipts of all such business transactions. Such report shall also include such other items of information pertinent to the said tax and the amount thereof as the state department of revenue may require. Any person subject to the tax levied may defer reporting credit sales until after their collection, and in the event such person so defers reporting them, such person shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the tax due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the Covington County Commission, or its designated agent, at reasonable time during business hours.

Section 5. Each person engaging or continuing within the County in a business subject to the tax levied in Section 3 of this act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said sale or admission. It shall be unlawful for any person subject to the tax levied to fail or refuse to add on the sales prices or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sale or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof.

Section 6. The tax authorized to be imposed by this act shall constitute a debt due the County and may be collected as provided by law. The said tax, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said tax is due or who is required to collect said tax. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due to this state shall apply fully to the collection of the tax herein levied, and the state department of revenue, for the use and benefit of the County shall collect such tax and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from

time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the tax collected by it for the County.

Section 7. All provisions of the state sales tax statutes with respect to payment, assessment, and collection of the state sales tax making of reports and keeping and preserving records with respect thereto, penalties for failure to pay the tax, the promulgation of the rules and regulations with respect to the state sales tax and the administration and enforcement of the state sales tax statutes which are not inconsistent with the provisions of this act when applied to the tax authorized to be levied in Section 3 of this act shall apply to the county tax levied under this act. The state commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the county tax levied under this act that are imposed on such commissioner and department, respectively, by the state tax statutes. All provisions of the state sales tax statutes that are made applicable by this act to the county tax levied under this act and to the administration and enforcement of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 8. The state department of revenue shall charge the County for collecting the sale tax levied under this act such amount of percentage of total collections as may be agreed upon the commissioner of revenue and the County Commission, but such charge shall not, in any event, exceed five percent of the total amount of the sale tax collected in said county under this act. Such charge for collecting such sale tax may be deducted each month from the gross revenues from such sale tax before certification of the amount of the proceeds thereof due the County for that month. The commissioner of revenue shall pay into the state treasury all tax collected under this act, as such a tax is received by the department of revenue, and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder) the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of the County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of the County during each month the Commissioner may deduct from the tax collected in said month the charge due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the county treasurer of Covington County in his official capacity in an amount equal to the amount

so certified by the commissioner of revenue as having been collected for use of the county. All revenues arising from the taxes herein authorized to be levied shall only be allocated and used for the following purposes: 41.7% to the County Roads and Bridges Fund for roads and bridges maintenance; 13.3% to the County Roads and Bridges Fund for new construction pavement program; 20% to the construction of a county wide water system; 20% to the County General Fund; and 5% for Equipment Replacement Program (Road & Bridge, Sheriff Department).

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-704

S. 18—Senator Langford

AN ACT

To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers with means of income.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15-22-2, Code of Alabama is hereby amended as follows:

“§ 15-22-2. (a) Any person who is placed on parole by the board of pardons and paroles or any person who is granted probation by a court of competent jurisdiction and who is subject to supervision by the board of pardons and paroles, and who has an income shall be required to contribute \$20.00 per month toward the cost of his supervision and rehabilitation beginning 30 days from the date he has an income. Such sum shall be deducted by the parolee or probationer from his monthly income and shall be delivered to the board of pardons and paroles on or before the fifth day of each month for deposit in the general funds of the state treasury on or before the tenth day of each month. By prior agreement between an employer and employee, an employer may deduct such \$20.00 from the monthly

net earned income of the parolee or probationer and remit such amount to the board of pardons and paroles by the fifth day of each month. The responsibility of assuring such contribution shall remain that of the parolee or probationer. Exemptions from payments required by this section may be granted for undue hardship on a case by case basis by the sentencing court in probation and the board of pardons and paroles in parole cases.

“In the event of over two months arrearage or delinquency in making such contribution, such arrearage or delinquency shall constitute sufficient ground for revocation of the parole or probation of the person in arrears.

“There shall be established a probationer’s upkeep fund. All monies received pursuant to this section since August 24, 1976, shall be transferred by the state treasury into such fund for the credit and use of the board of pardons and paroles and all sums collected pursuant thereto after May 5, 1977, shall be deposited into the treasury to the credit of said fund. All such funds shall be withdrawn or expended only for the purposes stated in this section.

“There is hereby appropriated for the current fiscal year \$50,000.00 from said fund to the board of pardons and paroles for the purposes of supervising parolees and probationers who are gainfully employed.

“(b) The amount of contribution of each parolee and probationer of his monthly net earned income shall be excluded from the person’s taxable income for the purpose of determining such person’s state income tax liability.

“(c) A parolee or probationer authorized to work at paid employment in the community under the provisions of this section shall comply with all rules and regulations promulgated by the board of pardons and paroles.”

Section 2. This act shall become effective on the 1st day of the month 60 days after its passage and approval by the Governor or otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-705

S. 26—Senator Bennett

AN ACT

To amend Section 1 of Act No. 82-88 of the Regular Session of the Legislature of Alabama of 1982 (Alabama Acts, 1982, pp 112-113) relating to Jefferson County

to provide further for the appointment of the designated members of the county planning commission, and to provide for the appointment of the designated members.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404) shall consist of fifteen members; three designated and twelve appointed members. Within sixty days after the enactment of this act the Jefferson County Commission shall divide the county into six districts with each district containing an approximately equal number of persons residing in unincorporated territory. Such division shall be based upon the most recent federal decennial census and redrawn after each new federal decennial census. After the enactment of this act newly appointed or reappointed members of such commissions shall be appointed so that the county commission shall appoint two members from each district with one such member representing the unincorporated territory of the district so that at least 50% of the total twelve appointed members shall reside in and represent unincorporated territory. The designated members shall be: one an employee of the county designated by the county commission; one shall be the county engineer or the county highway engineer; one shall be an agent or employee of the county board of health designated by said board; the terms of such designated members shall correspond to their respective official tenures. The terms of appointed members shall be four years, except that the terms of nine of the members first appointed shall be-three for one year-three for two years-three for three years; with all such short first term appointees being eligible for reappointment at the expiration of such one, two, and three year terms. The designated members shall be agreed to and approved by the county commission, and all other members shall be appointed by said county commission. All members of the commission shall serve as such without compensation; and no appointed member shall hold any public elective office. The members of the commission shall be residents of the county. The county commission shall provide for the filling of any vacancy in the membership of the commission for the unexpired terms and for the removal of a member for non-performance of duty or misconduct.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-706

S. 27—Senator Bennett

AN ACT

Relating to Jefferson County; to amend Section 13(e) of Act 497 of the Regular Session of the Legislature of Alabama of 1965 as amended by Act No. 81-1060 of the Second Special Session of the Legislature of Alabama of 1981 to provide that the term "another pension system" as used herein shall mean a pension system established by or under a law of the State of Alabama for public officers or public employees other than the pension system established by this Act and which proscribes or otherwise does not allow for voluntary withdrawal by the members thereof; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to authorize former members of the Pension System who withdrew from the Pension System under the authority provided by Section 13(e) of Act No. 497 of the Regular Session of the Legislature of Alabama as amended by Act No. 81-1060 of the Second Special Session of the Legislature of Alabama of 1981 a one-time opportunity to rejoin the Pension System as a new member and without credit for any previous paid time or previous unpaid time in the Pension System.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13. (e) of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 as amended by Act No. 81-1060 of the Second Special Session of the Legislature of Alabama of 1981 is hereby amended so that said Section 13 (e) will read as follows:

Section 13. (e) Withdrawal of funds by a member who becomes a member of another pension system. As herein used, the term "member" means a member of the pension system established by this Act, and the term "another pension system" means a pension system established by or under a law of the State of Alabama for public officers and public employees other than the pension system established by this Act, which pension system proscribes or otherwise does not allow for voluntary withdrawal by the members thereof. When a member becomes a member of another pension system such member shall have the right to withdraw from this pension system. In order to accomplish such withdrawal such member shall deliver to the pension board a written notice of his election to withdraw from this pension system, which notice shall recite the name of the other pension system which such member elects to join and shall identify the act creating the other pension system. Upon the pension board's finding that such member is entitled to withdraw from this pension system under the terms of this subsection (e), the member shall no longer be a member of this system and contributions by him and by the County on his behalf to the pension fund shall cease. If the pension board finds that before such member delivered the

aforesaid notice to the pension board he had not become entitled to the deferred retirement benefit, the pension board will return to such member the full amount of his deposits and contributions deducted from his salary without interest less one-half of any disability benefits paid to him hereunder. If the pension board finds that before such member delivered said notice to the pension board he had become entitled to elect the deferred retirement benefit, the pension board will return to such member the full amount of his salary deductions, less one-half of the sum of any disability benefits paid to him, with such interest on the amount returned, as aforesaid, as the pension board may provide for by its rules and regulations.

Section 2. The Pension Board of the General Retirement System for Employees of Jefferson County is authorized to promulgate all necessary rules and regulations to authorize former members of the Pension System who withdrew from the Pension System under the authority provided by Section 13 (e) of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 as amended by Act No. 81-1060 of the Second Special Session of the Legislature of Alabama of 1981 an opportunity to elect to rejoin the Pension System.

Section 3. The rules and regulations shall include the following requirements:

(1) The election shall be offered one time and shall apply equally to all such former members.

(2) Elections must be exercised in the manner and within the time period established by the Pension Board.

(3) Election of such membership shall be as a new member of the Pension System and without any credit for previous paid time or previous unpaid time in the Pension system.

Section 4. It is the intent of this Act that former members of the Pension System who withdrew therefrom pursuant to the authority of said Section 13 (e) of Act 497 as amended by said Act No. 81-1060, shall be given a one-time opportunity to elect to rejoin the Pension System as though they were being employed for the first time by Jefferson County.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed to the extent of such conflict.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-707

S. 28—Senator Bennett

AN ACT

Relating to the City of Fairfield, in Jefferson County, Alabama; authorizing the municipal governing body to levy additional ad valorem taxes for public school purposes within the municipality, and calling for a referendum thereon by the qualified municipal electors.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the City of Fairfield in Jefferson County may levy and collect an additional ad valorem tax at a rate not exceeding fifteen mills per each \$1.00 on the value of the taxable property within the city, the proceeds of which tax shall be used exclusively for public educational purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the City of Fairfield and voted for by a majority of those voting at such election. The additional taxes levied and imposed by this act shall become effective October 1, 1986, upon referendum approved by a majority of the qualified electors of the municipality, called by the municipal governing body at the next special, local or statewide referendum, as provided by law and Amendment 373 to the Constitution of 1901, as amended, Such proceeds shall be collected at the same time and in the same manner as existing ad valorem taxes are collected and shall be paid to the City of Fairfield for distribution for public educational purposes.

Section 2. The provisions of this act shall be cumulative to any and all other laws or parts of laws relating to ad valorem taxes and the City of Fairfield, except to the extent there is a direct conflict herewith in which event those laws or parts of law are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, except as otherwise herein provided.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-708

S. 31—Senator Bennett

AN ACT

Relating to Jefferson County; amending Section 5 of Act No. 176, S. 117 of the Extraordinary Session of 1936 (General and Local Acts 1936, p. 206) as last amended by Section 1 of Act No. 217, H. 261 of the First Special Session of 1964 (Acts 1964, p. 299) relating to notification procedures for ad valorem tax assessments in said county, so as to provide further for such procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 176, S. 117 of the Extraordinary Session of 1936 (General and Local Acts 1936, p. 206) as last amended by Section 1 of Act No. 217, H. 261 of the First Special Session of 1964 (Acts 1964, p. 299) is hereby amended further to read as follows:

“Section 5. Any owner of any property or any person having an interest therein shall have the right to protest any valuation placed on said property by the board of equalization. Said protests shall be in such form and shall be heard in such manner as now provided for by this title except that the board of equalization in said counties shall have the right to fix the time and place of hearing said protests at any time after said protests are filed, by giving the person filing said protest notice of the time and place as provided for in this title, provided further that all protest must be filed prior to May fifteenth and must be heard and determined on or before July first subsequent to the filing of the same. Provided further, however, in counties where the Board of Equalization serves full time, protests must be filed in writing within 45 days of the date of the certified docket or prior to May 15, whichever falls first and must be heard and determined on or before the second Monday in July subsequent to the filing of the same unless otherwise ordered by the State Department of Revenue. Any protests may be filed after October first, and shall be deemed a protest to the valuations for the tax year beginning October first. Provided, also, in counties where the Board of Equalization is required to serve full time, the Board of Equalization shall, when a sufficient amount of written protests to assessed valuations are accumulated after October first for a day’s docket, sit from eight a.m. to five p.m., at the courthouse in their respective counties, to dispose of such written protest cases as provided in this chapter. Upon the final hearing of each protest, the Board of Equalization shall enter a final judgment giving the date of the same and shall immediately certify the same to the tax assessor. In the event the Board of Equalization raises the assessed value of any property at any time, notice of such raise shall be given by regular mail, addressed to the party against whom said property is assessed.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-709

S. 68—Senator Bennett

AN ACT

To amend sections 38-10-2 through 38-10-9, Code of Alabama 1975, which provides for the Department of Human Resources to operate child support programs, so as to further comply with the requirements of Title IV-D of the Social Security Act; to correct the name of the department from department of pensions and security to the Department of Human Resources in compliance with Act No. 86-432; to provide for the enforcement of spousal support as incidental to the enforcement of child support as required by Title IV-D of the Social Security Act; to provide for the establishment and modification of support orders; to provide a definition of collection agent; to provide that the acceptance of aid shall be deemed an assignment to the Department of Human Resources of rights to support; to clarify that, in a case where there is a court order of support, the liability for the debt to the department created pursuant to such an assignment of support rights shall apply only with respect to the support payments owed for the period of time during which aid is granted; to provide for the collection and distribution of support; and to provide for the operation of a support program; and designation of the department as the agency to administer income withholding.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 38-10-2, Code of Alabama 1975, is hereby amended to read as follows:

“§38-10-2. Definitions.

“(a) As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

“(1) DEPARTMENT. The Department of Human Resources of the state of Alabama, including the state and county departments of Human Resources.

“(2) CHILD. A child as described or defined by the Social Security Act and amendments thereto and by state law.

“(3) SUPPORT. Support of a minor child and spousal support when such spousal support is incidental to child support as required by Title IV-D of the Social Security Act.

“(4) SUPPORT PROGRAMS. Locating absent parents, establishing paternity, establishing or modifying support orders, enforcing

support orders, collecting support and related matters as described or defined by the Social Security Act and amendments thereto and by state law.

“(5) ADC, AFDC, AID TO DEPENDENT CHILDREN, AND AID TO FAMILIES WITH DEPENDENT CHILDREN. Such terms shall have the same meaning and shall refer to the same public assistance program and may be used interchangeably to refer to the same program.

“(6) AID. Such term, standing alone, shall mean the same as ADC or aid to dependent children or AFDC or aid to families with dependent children.

“(7) COLLECTION AGENT. The prosecuting attorney, court clerk, court register, the Department of Human Resources, Mobile accounts department or any other entity collecting Title IV-D support for the department.

“(8) TITLE IV-D. Title IV-D of the Social Security Act including any amendments thereto.

“(b) For the purposes of this chapter a prosecuting or district attorney is hereby defined as a legal entity of each county included in the judicial circuit in which he holds office. (Acts 1979, No. 79-819, p. 1528, §3.)

Section 2. Section 38-10-3, Code of Alabama 1975, is hereby amended to read as follows:

“§38-10-3. Authorization of operation of child support programs by Department of Human Resources generally; designation of the department as the agency to administer income withholding.

“(a) The Department of Human Resources of the state of Alabama shall operate child support programs as may be required under the provisions of Title IV-D, including, but not limited to, locating absent parents, establishing paternity, establishing or modifying support orders, enforcing support obligations and related matters, as described or defined by the Social Security Act and amendments thereto. (Acts 1979, No. 79-819, p. 1528, §2.)

“(b) As a part of the operation of the support programs established under subsection (a) hereof the Department of Human Resources of the State of Alabama shall administer income withholding in accordance with procedures which it shall establish for keeping adequate records to document, track, and monitor support payments collected pursuant to Title IV-D of the Social Security Act.

The department may designate and/or contract with public or private entities to administer income withholding on a state or local

basis under the supervision of the department provided such entities are publically accountable and follow the procedures established by the department for keeping adequate records. The department may designate and/or contract with only one entity to administer income withholding in each county of the state.

Section 3. Section 38-10-4, Code of Alabama 1975, is hereby amended to read as follows:

“§38-10-4. Acceptance of aid deemed assignment of right to support to department generally, subrogation of right to support payments.

“As a condition of eligibility for aid, each recipient of aid to families with dependent children shall be deemed, by accepting aid, to have made an assignment to the department of the right to any support owed up to the amount of aid paid by the department to the recipient in her own behalf or in behalf of any other person for whom the recipient is receiving aid.

“The department shall be subrogated to the right of such child or recipients or the person having custody to collect and receive all child support payments and to initiate any support action existing now or in the future under the laws of Alabama. (Acts 1979, No. 79-819, p. 1528, §4.)

Section 4. Section 38-10-5, Code of Alabama 1975, is hereby amended to read as follows:

“§38-10-5. Form and effect of assignment of child support payments to department.

“Notwithstanding any other provisions of this chapter, as a condition of eligibility for aid, each recipient of aid to families with dependent children shall have assigned to the department by operation of law any rights to support from any other person which such recipient may have in his own behalf or in behalf of any other family member for whom the recipient is receiving aid, which accrued at the time such assignment is executed, which continue to accrue until said recipient family ceases to receive aid and which may have effect as provided by the Social Security Act and amendments thereto. Such assignment to the department of the rights to any support owed up to the amount of aid paid by the department to the recipient shall conform with the requirements of the Social Security Act and amendments thereto. Such assignment shall make the department assignee of and to the right of such child or recipient or the person having custody to collect and receive all support payments and to initiate any support action existing now or in the future under the laws of Alabama and for the purpose of conforming and complying with the provisions of the Social Security Act and amendments

thereto. An assignment made in accordance with the provisions of this chapter by a parent or other person of any age shall be binding as if such parent or other person were over the age of 19 years. (Acts 1979, No. 79-819, p. 1528, §5.)

Section 5. Section 38-10-6, Code of Alabama 1975, is hereby amended to read as follows:

“§38-10-6. Effect of payment of aid by department.

“The payment of aid creates a debt due and owing to the department by the parent or parents provided, however, that in cases in which a court has ordered support incident to a divorce decree or any other order for child support, the debt shall be limited to the amount specified in such court decree or court order. The liability for said debt to the department shall then apply only with respect to the support payments owed for the period of time during which aid is granted and shall conform and comply with such court decree or court order and shall be handled by the department in such a manner as to conform and comply with requirements of the Social Security Act and amendments thereto. (Acts 1979, No. 79-819, p. 1528, §6.)

Section 6. Section 38-10-7, Code of Alabama 1975, is hereby amended to read as follows:

“§38-10-7. Institution of actions for enforcement of support obligations, etc.

“Whenever anyone owing the obligation of support has failed to provide support, and application is made to the department for support services as may be provided pursuant to the requirements of Title IV-D or for aid, the department, and including the District Attorney when providing services for the department, may take appropriate action under this chapter, or any other appropriate state and federal statutes, to assure that the responsible person or persons owing the obligation of support provide support, including, but not limited to, civil or criminal actions to determine paternity and to establish or enforce support obligations. All actions to determine paternity and to enforce support obligations may be brought in either the juvenile court or district court or the circuit court or appropriate federal court, and all presently existing statutes are hereby amended to provide that the juvenile courts and district courts and the circuit courts shall have the concurrent jurisdiction of actions involving paternity, desertion, nonsupport or support. (Acts 1979, No. 79-819, p. 1528, §7.)

Section 7. Section 38-10-8, Code of Alabama 1975, is hereby amended to read as follows:

“§38-10-8. Disposition of support payments collected pursuant to judicial actions.

“Support collections, in cases in which an assignment has been made to the department and after the support payment has been made to the appropriate collection agent pursuant to the provisions of this chapter, shall be paid directly to the state department and distribution shall be made by said state department in accordance with the provisions of the Social Security Act and amendments thereto. Support collections in cases where there is not an assignment to the department but services are otherwise being provided pursuant to the requirements of Title IV-D shall be accounted for and distributed by the appropriate collection agent in accordance with rules published and provided by the department. (Acts 1979, No. 79-819, p. 1528, §8.)

Section 8. Section 38-10-9, Code of Alabama 1975, is hereby amended to read as follows:

“§38-10-9. Conduction of investigations by department as to ability of parents to furnish support; falsification of report as to parent’s income, etc.

“(a) The department is authorized and empowered to conduct investigations to determine whether or not a responsible parent is able to provide support as defined in this chapter.

“(b) The department is authorized and empowered to notify a parent of his legal duty to provide support and to require information concerning his financial status in order to determine whether or not he is financially able to provide support.

“(c) Such notice may inform the parent that he may be liable for reimbursement of any support furnished as public assistance or aid prior to determination of his financial circumstances, as well as future and past support payments due and not paid by him.

“(d) Any person who knowingly falsifies such parent’s report of his income and resources and other matters bearing on his ability to provide support shall upon conviction be punished as for false swearing or perjury. (Acts 1979, No. 79-819, p. 1528, §9.)

Section 9. The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-710

H. 45—Rep. Browder

AN ACT

To amend Section 36-28-5(c), Code of Alabama 1975, relating to interest rates charges on delinquent social security payments due the State of Alabama and provide for collection.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-28-5, Code of Alabama 1975, is hereby amended to read as follows:

§36-28-5

“(c) Delinquent accounts due under subdivision (1) of subsection (b) of this section shall be assessed a penalty of ten dollars (\$10) and shall pay late interest based on the ninety-one (91) day U.S. Treasury bill rate in effect on the date of delinquency and continuing through date of payment. However, in no event shall the rate of interest be less than six per cent per annum. Delinquent accounts may be recovered by civil action in a court of competent jurisdiction against the political subdivision or instrumentality liable therefor or shall, at the request of the state comptroller, be deducted from any other moneys payable to such subdivision or instrumentality by any department or agency of the state. Any entity failing to provide end-of-the-year reconciliations on or before the deadline set by the State Social Security Administrator shall be assessed a five dollar (\$5) per day unmitigable penalty for each such day of delay.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-711

H. 39—Rep. Smith

AN ACT

To amend Section 41-4-150, Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number printed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-150, Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-4-150.

“(a) The printer must, within 90 days after being furnished a copy of the last act, print, as herein provided, package or box in complete sets and distribute pursuant to an address list furnished by the secretary of state, 1,300 copies of the bound acts, which copies shall be indexed, stitched, half-bound and lettered.

“(b) Within 180 days after receipt of the copy from the secretary of the senate and clerk of the house of representatives, which period shall include the 30 days mentioned in subsection (c) section 41-4-148, the printer must distribute in packaged or boxed sets pursuant to an address list furnished by the secretary of state 450 copies of the journal of each house, which copies shall also be indexed, stitched, half-bound and lettered.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-712

H. 27—Reps. Martin, Parker and Drake

AN ACT

To amend Section 11-47-2 of the Code of Alabama 1975; to provide that the final maturity of any evidence of indebtedness described in said section may not exceed 30 years from the date of issue thereof; and to provide that any city or town may pledge to the payment thereof so much as may be necessary therefor of any tax or license or revenues that such city or town may then be authorized to pledge to the payment of bonded or other indebtedness.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-47-2 of the Code of Alabama 1975 shall be and hereby is amended to read as follows:

“Any incorporated city or town in this state may borrow money for temporary or any other lawful purpose or use to the extent of its constitutional debt limit and pay all costs, fees and commissions agreed upon in connection with any such loans, and the governing body thereof may, without an election, issue evidences of indebtedness in the form of interest-bearing warrants, notes or bills payable, maturing at such times as such governing body may determine, not exceeding 30 years from the date of issue, and any such city or town may as security for any such evidences of indebtedness and, as a

part of the contract whereunder any money is borrowed, pledge to the payment thereof so much as may be necessary therefor of any tax or license or revenues that such city or town may then be authorized to pledge to the payment of bonded or other indebtedness.”

Section 2. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-713

H. 25—Rep. Campbell

AN ACT

To provide for the better enforcement of foreign judgments by adopting the Uniform Enforcement of Foreign Judgments Act. This Act will give such judgments the same force and effect as a judgment issued by a court in this state.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act may be cited as the Uniform Enforcement of Foreign Judgments Act.

Section 2. As used in this Act, the term “foreign judgment” shall mean any judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this state.

Section 3. A copy of any foreign judgment authenticated in accordance with an act of Congress or the statutes of this state may be filed in the office of the Clerk of any circuit court of this state. A Clerk of any circuit court shall note the filing in a special docket set up for foreign judgments. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of a circuit court of this state and may be enforced or satisfied in like manner; provided, however, that any proceeding that is brought to enforce support obligations of other jurisdictions in this state by the withholding of income derived in this state shall be brought in accordance with Ala. Act No., 85-992.

Section 4(a). At the time of filing, the judgment creditor, or his lawyer, shall make and file with the Clerk of the circuit court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor. In addition, such affidavit shall include a statement that the foreign judgment is valid, enforceable, and unsatisfied.

(b) Promptly upon the filing of the foreign judgment and the affidavit, the Clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the special docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the Clerk. Lack of mailing notice of filing by the Clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(c) No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until thirty (30) days after the date the judgment is filed.

Section 5(a). If the judgment debtor shows the circuit court that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(b) If the judgment debtor shows the circuit court any ground upon which enforcement of a judgment of any circuit court of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

Section 6. Any person filing a foreign judgment shall pay to the clerk of the circuit court an amount equal to that imposed for the filing of a civil action. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the circuit courts of this state.

Section 7. The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under this Act remains unimpaired.

Section 8. A copy of a foreign judgment authenticated in the manner described in section 3 of this Act and filed in the circuit

court may be recorded in the probate office as provided for judgments of the circuit courts of this state, and its being so filed shall have the same force and effect as the filing of a certificate of a judgment obtained in a circuit court of this state.

Section 9. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

Section 10. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, that declaration shall not affect the part that remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 2, 1986

Time: 3:30 P.M.

Act 86-714

H. 2—Rep. Johnson (RW)

AN ACT

Authorizing the appointment of peace officers by the ACJIC director and chairman of the ACJIC Commission to enforce laws pertaining to the operation and administration of the Alabama criminal justice information system.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-621, Code of Alabama 1975, is hereby amended to read as follows:

“The commission, acting through the director of the Alabama criminal justice information center, shall:

(1) Develop, operate and maintain an information system which will support the collection, storage, retrieval, analysis and dissemination of all crime and offender data described in this article consistent with those principles of scope, security and responsiveness prescribed by this article;

(2) Cooperate with all criminal justice agencies within the state in providing those forms, procedures, standards and related training assistance necessary for the uniform operation of the statewide ACJIC crime reporting and criminal justice information system;

(3) Offer assistance and, when practicable, instruction to all criminal justice agencies in establishing efficient systems for information management;

(4) Compile statistics on the nature and extent of crime in Alabama and compile data for planning and operating criminal justice agencies; provided, that such statistics shall not identify persons. The commission shall make available all such statistical information obtained to the governor, the legislature, the judiciary and any other governmental agencies whose primary responsibilities include the planning, development or execution of crime reduction programs. Access to such information by such governmental agencies shall be on an individual written request basis or in accordance with the approved operational procedure, wherein must be demonstrated a need to know, the intent of any analyses and dissemination of such analyses, and shall be subject to any security provisions deemed necessary by the commission;

(5) Periodically publish statistics, no less frequently than annually, that do not identify persons and report such information to the chief executive officers of the agencies and branches of government concerned; such information shall accurately reflect the level and nature of crime in this state and the general operation of the agencies within the criminal justice system;

(6) Make available, upon request, to all criminal justice agencies in this state, to all federal criminal justice and criminal identification agencies and to state criminal justice and criminal identification agencies in other states any information in the files of the ACJIC which will aid these agencies in crime fighting; for this purpose the ACJIC shall operate 24 hours per day, seven days per week;

(7) Cooperate with other agencies of this state, the crime information agencies of other states and the uniform crime reports and national crime information center systems of the federal bureau of investigation or any entity designated by the federal government as the central clearinghouse for criminal justice information systems in developing and conducting an interstate, national and international system of criminal identification, records and statistics;

(8) Provide the administrative mechanisms and procedures necessary to respond to those individuals who file requests to view their own records as provided for elsewhere in this article and to cooperate in the correction of the central ACJIC records and those of contributing agencies when their accuracy has been successfully challenged either through the related contributing agencies or by court order issued on behalf of the individual;

(9) Institute the necessary measures in the design, implementation and continued operation of the criminal justice information system to ensure the privacy and security of the system. Such security measures must meet standards to be set by the commission as well

as those set by the nationally operated systems for interstate sharing of such information; and

(10) Designate in writing agents or employees of the ACJIC who shall be and are hereby constituted peace officers of the State of Alabama with full and unlimited police power and jurisdiction to enforce the laws of this state pertaining to the operation and administration of the Alabama criminal justice information system and the storage, use and dissemination of information processed therein.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved October 2, 1986

Time: 3:30 P.M.

Act 86-715

H. 15—Rep. Laird

AN ACT

To amend Section 9-14-29, Code of Alabama 1975, as last amended, relating to the applicability of Article 2 of Chapter 14 of Title 9 of the Code of Alabama 1975, so as to provide that the provisions of said article shall not apply to certain short-term concession operations at the State Parks.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-14-29, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“§9-14-29.

The provisions of this article shall not apply to or authorize the leasing of any tent camping or trailer park facility, except at Camden State Park, nor do the provisions of this article authorize, for a period of three years beginning with the date of the official opening of all newly constructed facilities at said state park, the leasing of the lodge and the food service facilities at the beach pavillion at the state park presently designated as Lake Guntersville State Park. It is further provided that the provisions of this article shall not apply to concession operations at special events at the State Parks, which events do not exceed seventy-two (72) hours.”

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 2, 1986

Time: 3:30 P.M.

Act 86-716

H. 114—Rep. Faulk

AN ACT

To amend Section 8-17-91, which provides for distribution of petroleum inspection fees: to provide that the State Treasurer shall make distribution of said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-17-91, Code of Alabama (1975), is hereby amended to read as follows:

§8-17-91. Disposition of permit fees, inspection fees and penalties; refund of overpayments.

(a) The proceeds from the permit fees, inspection fees and penalties, if any, collected by the commissioner of agriculture and industries pursuant to the provisions of this division shall be paid into the state treasury and distributed by the state treasurer as follows:

(1) \$175,000.00 of the proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

(2) The balance of the proceeds shall be distributed as follows:

a. 13.87 percent of the balance of the proceeds shall be distributed equally among each of the 67 counties of the state monthly. Such funds shall be used by the counties for the following purpose: When the use is by a county, such use shall be for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of two county engineers appointed by the state highway director, two county commission members appointed by the governor, and the chief of the bureau of

secondary roads. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation. The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after May 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities. County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the auto license tax distributed under section 40-12-270(a)(1), Code of Alabama, 1975, as amended and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224, Code of Alabama, 1975, and may use the proceeds so deposited for any purpose authorized under said section.

b. \$408,981.00 shall be allocated to the highway department monthly and deposited in the state treasury to the credit of the public road and bridge fund. Such funds are hereby appropriated to the highway department to be used to match federal aid discretionary funds that may from time to time become available to the highway department. In the event that in any fiscal year other highway department funds are insufficient to match the department's regular

federal aid apportionment, then at the highway director's recommendation and approval by the governor funds appropriated under this subsection may be used to match said federal aid apportionment.

c. 2.76 percent of the balance of the proceeds shall be allocated among the incorporated municipalities of the state as follows:

1. A portion of the municipalities' share of the balance of the proceeds that is equal to 45.45 percent of the municipalities' share of the balance of the proceeds shall be allocated equally among the 67 counties of the state.

2. The entire residue of the municipalities' share of the balance of the proceeds being an amount equal to 54.55 percent of the municipalities' share of the balance of the proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

3. The amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipalities to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census.

4. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. Any municipality incorporated after September, 1983, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the inspection fee by the state during October of the fiscal year next succeeding the said incorporation.

5. Use of the inspection fee by a municipality shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal and of interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the balance of the proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions

of this division shall not be commingled with other funds of the municipality, except the municipalities' portion of the highway gasoline tax, and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

d. The balance of the proceeds after a, b and c above have been distributed monthly shall accrue to the credit of and be deposited in the public road and bridge fund.

(b) In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees or penalties properly and lawfully required to be paid by such person, such person may apply to the commissioner of agriculture and industries for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the commissioner, the commissioner shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be paid out of current months collection before any distribution is made under subsection (a) of this section.

(c) The application for refund provided for in this section must be filed with the commissioner of agriculture and industries within 12 calendar months from the date upon which the overpayment was made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

(d) The department of agriculture and industries shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act 86-717

H. 102—Reps. Lindsey and Burke

AN ACT

To amend Section 11-88-6 of the Code of Alabama 1975, which relates to water, sewer, solid waste disposal and fire protection authorities, so as to eliminate the

requirement that directors appointed by certain municipalities reside within the municipality from which they are appointed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-88-6 of the Code of Alabama 1975 is hereby amended to read as follows:

“§11-88-6.

“Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization.

“The board shall consist initially of three directors, elected, as soon as may be practicable after the organization of the authority, by the governing body of the determining county for staggered terms as follows: The first term of one director shall begin immediately upon his election and shall end at noon on March 1 of the next succeeding off-numbered calendar year following his election; the first term of another director shall begin immediately upon his election and shall end at noon on March 1 of the second succeeding odd-numbered calendar year following his election; and the first term of the remaining director shall begin immediately upon his election and shall end at noon on March 1 of the third succeeding off-numbered calendar year following his election. Thereafter, the term of office of each director shall be six years.

“If any amendment to the certificate of incorporation of the authority, effected pursuant to the provisions of section 11-88-5, shall increase the membership of the board, the board shall thereafter consist of such number of directors, elected by such governing bodies, as may be specified in the said amendment. The terms of office of any new directors added by any such amendment shall be so arranged that, taking into consideration the terms of office of the original three directors, the terms of office of approximately one-third of all directors (or as nearly one-third thereof as may be practicable) will end at noon on March 1 in each odd-numbered year following the effective date of the said amendment. The term of office of each new director, added by amendment as aforesaid, shall following the initial term of such new director be for a period of six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by that governing body which elected the director whose unexpired term he is to fill. Each election of a director, whether for a full six year term or to complete an unexpired term, shall be made not earlier than 30 days prior to the date on which such director is to take office as such. No officer of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director.

Each director elected by a county governing body must be a duly qualified elector of that county from which he was elected, or, if elected by a municipality of less than 2,000 inhabitants according to the most recent decennial census, such director must be a duly qualified elector of that county in which such municipality is located, or, if elected by a municipality of 2,000 or more inhabitants according to said census, such director must be a duly qualified elector of the municipality from which he was elected. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director except the chairman of the board shall be compensated in an additional amount not to exceed \$10.00 per meeting attended but not to exceed \$250.00 per year. The chairman shall, if said certificate so provides, be compensated in an additional amount not to exceed \$500.00 per year.

“Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said section 175.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act 86-718

H. 73—Rep. Holley

AN ACT

Relating to Coffee County; authorizing the Coffee County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; providing for an advisory referendum on the issue of adding such additional county tax; prescribing misdemeanor penalties against those who violate the provisions of this act; and construing that the provisions of this act are cumulative.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coffee County Commission is hereby authorized to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco

products in Coffee County a county privilege, license or excise tax in the following amounts:

(a) Five cents (\$0.05) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) Two cents (\$0.02) for each cigar of any description made of tobacco or any substitute therefor.

(c) Two cents (\$0.02) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which are prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(d) Three cents (\$0.03) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subsection (c) of this section.

(e) Three cents (\$0.03) for each can, bottle, glass, tumbler package or other container of snuff made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other federal, state or local taxes heretofore imposed by law.

Providing, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. (a) Upon adoption of a resolution by the Coffee County Commission, every person, firm, corporation, club, or association that sells or stores or receives for the purpose in Coffee County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products.

(b) Prior to adopting such resolution provided for in Section 2 (a), the said commission shall first call for a non-binding advisory referendum on the question of imposing the additional county tax on cigarettes and tobacco products as described by this act. Said election shall be held and conducted as nearly as possible in the same way as county-wide elections and shall be held on the same day as the next special, primary, state or countywide election, next following passage of this act. Notice of the election shall be given by the judge of probate of Coffee County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law levying an additional cigarette and tobacco products tax? Yes () No ()."

Section 3. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Coffee County in the business for which the tax is hereby levied to fail or refuse to add to the price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or part of the amount collected or absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than sixty days or both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

(a) The proceeds from the tax hereby authorized, less the actual cost of collection or to exceed five per centum (5%) shall be paid by the state department of revenue to the Coffee County Commission, on a quarterly basis, and all revenue, less five per centum (5%) for the Coffee County General Fund, will be expended within ten (10) days to the Coffee County Firefighters Association Incorporation, for funding countywide fire protection.

(b) For any member fire department of the Coffee County Firefighters Association to receive any type of funding that might be acquired by the Association or mandated by law or appropriated to the Coffee County Firefighters Association, each member fire department of said Association must meet certain standards and criteria. Eligibility of member fire department for any type of funding that may be acquired in any way by the Association is strictly contingent upon compliance with these criteria, which are set out below:

1. Fire Department must be a member of the Association in good standing.

2. Fire Department must have a representative on the Board of Directors.

3. Fire Department must be able to furnish monthly fire reports to the association.

4. Member fire department must be a certified fire department, with the Alabama Forestry Commission and or the State of Alabama. Any new departments will have a one (1) year probation period to become certified. Failure to do so within one (1) year will void funding through the Association.

5. Fire Departments must be incorporated, or fall under the jurisdiction of a municipality, must be organized with a Constitution and Bylaws on file.

6. Fire Departments must have regular meetings for business and training.

7. Fire Departments must maintain a set of operating books for income and expenditures.

8. Fire Departments must furnish phone numbers so fire units can be reached day or night.

9. A representative from each fire department must attend at least three (3) of the four (4) quarterly Board of Directors meetings during the year and also the annual meeting each year.

10. Each member fire department of the Association must meet all qualifications established and approved by the Board of Directors of the Association in order to qualify for county funding or any other type of funding acquired by the Association.

11. Each member fire department receiving County funds or any other funding from the Association will be required to follow the Alabama State Bid Law.

12. Each member fire department receiving County funds will be required to furnish the Association's Treasurer with copies of receipts for firefighting equipment, gas, and all other items purchased with County funds.

13. Fire Departments shall not use funds acquired by or through the Association to pay compensation to its members.

(c) All funds acquired by the Association shall be divided equally among all qualified member fire departments and the Association. (Association to receive a share to be held in an emergency reserve.)

1. Member fire department must satisfy all requirements at the time funds are made available for distribution.

2. After receiving funds, member fire department must keep accurate records to verify that County funds were expended on fire department operation, equipment purchase, and repairs.

3. Association share of funds shall be invested in interest-bearing accounts, to be determined by the Board of Directors. These funds are for loans, interest-free, to member fire departments for emergency repairs ONLY, and must be REPAID by the department out of the next year's funds.

4. Authorization to borrow emergency funds must be approved by a majority of the Board of Directors.

5. After a savings of \$5,000.00 has been accumulated, the Association share is to be divided among member Fire Departments, all above \$5,000.00 shall be divided equally among the member fire departments.

6. On dissolution of a member fire department, all equipment and other items purchased with County funds shall become the property of the Coffee County Firefighters Association.

(d) The Coffee County Firefighters Association will not have or issue shares of stock. No dividend will be paid, and no part of the income of this Corporation will be distributed to its general members, directors, or officers. The Corporation may not pay compensation to general members, directors or officers for service rendered. Nor may compensation be paid indirectly, as for instance, through member fire department. Compensation shall not be deemed to include expenses and reimbursements, unless voted on by the Board of Directors.

(e) The Coffee County Firefighters Association will make no loans to any of its directors, officers or general members.

(f) No member or incorporator of the Coffee County Firefighters Association, may have any vested right, interest, or privilege of, in or to the assets, functions, affairs or franchises of this Corporation, or any right, interest or privilege if membership ceases or while he or she is not in good standing.

1. Expelled members shall have no property rights to assets of the Corporation.

2. On dissolution, assets of this Corporation remaining after the payment or discharge of all liabilities of the Corporation, the return, transfer or conveyance of assets held on conditions requiring the same, and the transfer or conveyance of assets received, shall be distributed as provided by law.

Section 4. The tax hereby authorized shall be paid by affixing stamps as is required for the payment of the tax imposed by Section

40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 5. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purpose of this act. All such rules and regulations duly promulgated shall have force and effect of law.

Section 6. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, as amended, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully set out herein.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

(b) This statute shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesaler dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. The provisions of this act shall be construed in pari materia with any and all other provisions of law, or parts of law, relating to taxes, tobacco products or firefighting departments; provided, however, that all laws or parts of laws which are in direct conflict herewith are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-719

H. 8—Rep. White (F)

AN ACT

Relating to Escambia County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment,

supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Escambia County legislative delegation.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an Escambia County legislative delegation office which shall be managed by a secretary or office manager who shall be hired by and serve at the pleasure of the Escambia County legislative delegation. The salary for such secretary or office manager shall be set by the delegation up to no more than that of chief clerks in other county offices and paid by the commission, as other county employees are paid.

Section 2. The Escambia County Commission shall provide the necessary office space, supplies, furniture and other equipment for the delegation. Said office may be located outside the county courthouse or other county buildings if said office space is provided at no cost to the county.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-720

H. 6—Rep. White (F)

AN ACT

To alter or rearrange the boundary lines of the City of Brewton, Escambia County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Escambia County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the City of Brewton in Escambia County, Alabama, are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Brewton, Alabama, and in addition thereto the following described territory, provided further, however, that the Western one-half (W½) of Section 36, Township 2 North, Range 9 East is specifically excluded from the new corporate limits:

Beginning at the point where the North line of Section 5, Township 1 North, Range 10 East intersects the centerline of Murder

Creek and run in a Southerly direction along the centerline of said Murder Creek to the point where the centerline of said Murder Creek intersects the South line of the Northwest Quarter of said Section 5, Township 1 North, Range 10 East; thence West along the South line of said Northwest Quarter to the West line of said Section 5; thence continue West along the South line of the North one-half of Section 6, Township 1 North, Range 10 East to the point where the South line of said North one-half of Section 6, Township 1 North, Range 10 East intersects the North bank of Franklin Mill Creek; thence in a Westerly direction along the North bank of said Franklin Mill Creek to the point where the North bank of said Franklin Mill Creek intersects the Northwest right-of-way line of U.S. Highways #31 and #29; thence in a Southwesterly direction along the Northwest right-of-way line of said U.S. Highways #31 and #29 to the point where the Northwest right-of-way line of said U.S. Highways #31 and #29 intersects the Northeast right-of-way line of Escambia County Road #18 (also known as Foshee Road); thence in a Northwesterly direction along the Northeast right-of-way line of said County Highway #18 to the point where the Northeast right-of-way line of said County Highway #18 intersects the West line of Section 1, Township 1 North, Range 9 East; thence North along the West line of said Section 1, Township 1 North, Range 9 East to the Southwest corner of Section 36, Township 2 North, Range 9 East; thence North along the West line of said Section 36, Township 2 North, Range 10 East to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 36, Township 2 North, Range 9 East; thence East along the South line of the North one-quarter of said Section 36, Township 2 North, Range 9 East to the East line of said Section 36, Township 2 North, Range 9 East; thence East along the South line of the Northwest Quarter of the Northwest Quarter of Section 31, Township 2 North, Range 10 East to a point on Cobb Branch and being a point on the existing Brewton City limits; thence Southeasterly along Cobb Branch and City Limits to Southeast Corner of Northeast Quarter of Northwest Quarter, Section 31, Township 2 North, Range 10 East; thence South to North line of Section 6, Township 1, North Range 10 East; thence run East along said North line to Northwest Corner of Section 5, Township 1 North, Range 10 East; thence continue to run East along North line of Section 5, Township 1 North, Range 10 East to the point of beginning in center line of Murder Creek.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-721

H. 4—Rep. White (F)

AN ACT

Relating to the county commission of Escambia County, to provide for a special election in June, 1987, to allow the electors to select from among several proposals a plan of redistricting for the said commission; to provide for a subsequent election of the top two plans voted upon if no proposed plan receives a majority of the votes cast in the first election; and to require the county commission shall be bound by the results of the election or runoff election, if held, and the terms of the redistricting plan adopted.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to that certain federal court order requiring the redistricting of the county commission districts in Escambia County, an election shall be held in Escambia County on the first Tuesday in June 1987, at which election the qualified electors of the county shall vote on several plans of redistricting which will be proposed by the House of Representatives member from House District 93. If any of the proposed plans receive a majority of the votes cast, then such plan shall be adopted. If none of such plans receive a majority of the votes cast at such election, a second election shall be held on the fifth Tuesday in June 1987. At the said second election, if it is held, the top two proposed plans receiving the most votes shall then be voted upon and the plan receiving a majority of the votes cast shall be adopted.

Section 2. Whichever plan is adopted by the electors of Escambia County shall be implemented by the county commission in the manner described in the plan so adopted.

Section 3. The election or elections shall be held and conducted in as nearly possible the same manner as other county elections, and the costs of such election or elections shall be paid by the county commission.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

 Act No. 86-722

H. 5—Rep. White (F)

AN ACT

Relating to Escambia County; to provide for the election of the chairman of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In Escambia County, the chairman of the county commission shall, beginning with the next term of office, be elected by all the qualified voters of the county. The chairman shall serve full time and be a voting member of the commission.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

 Act No. 86-723

H. 33—Reps. Onderdonk and Marietta

AN ACT

To amend Section 12-12-70 Code of Alabama 1975, which section relates to appeals from district courts to provide for the dismissal of such appeals in certain instances; to provide for an appearance bond on such appeals and procedures for its forfeiture; to provide for the collection of fines and costs, and to provide for the place of commitment where the sentence of the circuit court includes a term of imprisonment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-12-70, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-12-70. Right of appeal and procedure for appeals generally.

(a) Civil cases. Any party may appeal from a final judgment of the district court in a civil case by filing notice of appeal in the district court, within 14 days from the date of the judgment or the denial of a post-trial motion, whichever is later, or, if the appeal is to an appellate court within the time prescribed by the Alabama Rules of Appellate Procedure or the Alabama Rules of Juvenile

Procedure where applicable, together with security for costs as required by law or rule.

(b) Criminal cases. A defendant may appeal from a final judgment of the district court in a criminal or quasi-criminal case by filing notice of appeal within 14 days from the date of judgment or from the date of denial of a post-trial motion, whichever is later, together with such bond as may be fixed by the court, conditioned upon the defendant's appearance before the circuit court provided, however, that the court may authorize the defendant's release on his own recognizance without any undertaking relating to or deposit of security. If the appeal is to an appellate court, the notice of appeal shall be filed within the time prescribed by the Alabama Rules of Appellate Procedure and where applicable, the Alabama Rules of Juvenile Procedure. A defendant sentenced to imprisonment shall not be released from custody pending an appeal until a cash bond is deposited or until he has given sufficient bond with surety, approved by the judge or magistrate, unless the court has authorized the release of such defendant on his own recognizance. If the appeal is to the circuit court and the defendant is not released from custody, the prosecution shall so notify the circuit clerk and the case shall be set for trial at the earliest practicable time.

(c) The state or municipality may appeal only from a judgment holding a statute or ordinance invalid.

(d) When an appeal is to the circuit court, the clerk of the district court, if separate from the clerk of the circuit court, shall forthwith file the notice of appeal, a cost bill and copies of the case file with the clerk of the circuit court. If the appeal is to an appellate court, the clerk of the district court shall follow the Alabama Rules of Appellate Procedure, and if applicable, the Alabama Rules of Juvenile Procedure.

(e) The circuit court shall, upon failure of the appellant to appear in court when the case is called for trial, unless good cause for such default is shown, enter an order dismissing the appeal and enter judgment of default on any appearance bond given in connection therewith in accordance with the procedures set out in Title 15, Article 5, Chapter 13. On motion of the defendant for good cause shown, the circuit court may, within 30 days of the date of the order of dismissal, set it aside and reinstate the appeal on such terms as the court may prescribe. If a separate district clerk's office has been established, the circuit clerk shall, upon the expiration of 30 days from the date of an order dismissing an appeal, unless such order is set aside, deliver a copy thereof to the district court clerk.

(f) Upon receipt of notice of dismissal of an appeal based upon the defendant's failure to appear, the district court may issue a

warrant for arrest of the defendant, who may also be arrested without a warrant as an escapee. Upon arrest, the defendant shall be brought before the district court judge and punished in accordance with the judgment of the court.

(g) In addition to an involuntary dismissal as provided in subsection (e), the judge of the circuit court to which an appeal has been taken may, at the request of the defendant, enter an order dismissing the appeal, provided the defendant tenders payment of the costs and fine imposed by the district court at the time the request for dismissal is made, and provided further, that the defendant submits himself to the sheriff or, in municipal ordinance cases, to the chief of police to begin serving any sentence of imprisonment ordered by the district court. Any order dismissing an appeal, along with the fine and costs assessed by the district court and collected by the circuit court clerk pursuant to this subsection, shall be delivered to the district court clerk if a separate district clerk's office has been established, no later than 30 days from the date the appeal is dismissed.

(h) When judgment of guilt is entered against a defendant on appeal and the sentence of the circuit court includes a term of imprisonment, commitment shall be to the appropriate municipal jail, county jail or state penitentiary. All fines imposed and costs, including those costs accruing in district court, shall be collected by the circuit clerk and distributed as provided by law.

Section 2. The provisions of this Act shall apply to all pending and all future appeals from district court.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any portion of this Act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-724

H. 109—Rep. Browder

AN ACT

To amend Sections 16-24A-5, 16-24A-7, 16-24A-8, 16-24A-9, 16-24A-10, 16-24A-12, 16-24A-21, and 16-24A-26, Code of Alabama 1975, relating to responsibilities of

implementing the career incentive program for public school teachers, appraisal and evaluation programs, classification for current and new teachers, appeals, and progress reports, so as to delay for one year the implementation of phase II of the Alabama Performance-Based Career Incentive Program Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-24A-5, Code of Alabama 1975, is hereby amended to read as follows:

“§16-24A-5.

“(a) There is hereby created a working committee of the commission which shall be appointed in accordance with this chapter and which shall have completed its operational activities by July 1, 1988. The working committee shall devise an appraisal program consistent with the provisions of this chapter. The committee will consist of 35 members.

“Five members of the committee shall be appointed by the governor, three of whom must be classroom teachers and two of whom must be elementary/secondary school administrators. The governor shall appoint the chair and vice chair of the working committee from the membership of the committee.

“Fifteen of the members shall be public school teachers and appointed by the executive secretary of the Alabama Education Association; 15 of the members shall be appointed by the state superintendent of education from any of the following groups: local school superintendents, principals, supervisors, lay public, business and industry, and parents and teachers associations. Any vacancies that occur after the original appointment shall be filled by appointment from the constituency in which the vacancy occurred.

“(b) The members of the committee shall be appointed by June 1, 1985. No later than the fifth working day after the appointment of all committee members as specified in subsection (a), the governor shall call the first meeting of the working committee; the committee shall begin deliberations. Later meetings shall be called by the chair, or by the vice chair in the chair’s absence, or at the written request of 12 of the members. A minimum of seven days notice shall be given all committee members prior to any meeting. The committee expenses shall be paid from funds available for this purpose and at prevailing rates allowed by state rules and regulations. Consultant expenses shall be paid from funds available for this purpose according to a schedule to be established by the state board of education.

“(c) Responsibility for fiscal operation of the committee and any accompanying activities shall rest with the executive director of the governor’s educational reform commission, who shall submit claims for all authorized expenses to the state superintendent of education for payment.

“(d) Organizations or persons responsible for appointment of members of the working committee and evaluators shall insure equitable representation by minority groups.”

Section 2. Section 16-24A-7, Code of Alabama 1975, is hereby amended to read as follows:

“§16-24A-7.

“(a) Working committee responsibilities.—Functioning in conjunction with the appraisal review committee, the working committee shall develop fully the appraisal program to include but not be limited to development of job descriptions as further described herein, development of the appraisal instrument, and any other matter required to fully develop the appraisal program. Job descriptions for all positions to be evaluated shall be completed no later than October 1, 1985. The appraisal instrument for each position shall be prepared in sufficient time to be ready for use for inservice training of prospective evaluators. The committee shall insure that prior to final approval, the appraisal instrument is made available on a statewide basis for review by interested parties. The committee shall establish a mechanism for discussion by and receipt of input from interested parties prior to October 1, 1985.

“(b) Completion and approval of appraisal program.—The working committee in subsection (a) above shall continue in existence until June 30, 1988. The appraisal program and all instruments developed by the working committee shall be submitted to the legislative council for its consideration and approval. Failure of the council to so approve will remand the documents back to the working committee which shall note the objections of the council and shall take such steps as deemed necessary to meet the objections of the legislative council. Having done so, the working committee shall resubmit for approval to the legislative council. Upon the council’s approval, such documents and instruments as have been approved will be provided to the state and local boards of education for use in implementation of the appraisal program for the 1986-87 academic school year. Upon the completion of the appraisal program the working committee may make such adjustments or changes in the instruments and documents as it deems appropriate subject to the same review and approval by the legislative council. As of July 1, 1988, upon the cessation of the working committee’s existence further changes or modifications of the appraisal program shall be vested with the state board of education subject to the provisions of the Administrative Procedures Act.

“(c) State superintendent responsibilities.—Upon completion of the working committee’s responsibilities, the state superintendent of education shall take appropriate steps designed to orient all affected

education employees to the performance-based career incentive program. This orientation shall be structured so as to be completed no later than the end of the 1985-86 school year. The state superintendent of education shall take appropriate action during the 1985-86 school year as is necessary to fully train all evaluators who shall conduct or be responsible for the use of the appraisal instrument and organizing the appraisal program at the local level. Upon successful completion of training program for evaluators, the state superintendent shall issue a certificate and shall cause college curriculum for training administrators and supervisors to be modified to include appropriate content in evaluation for all new graduate degrees. The state superintendent of education shall insure that no later than the end of 1986-87 school year parent and community groups are oriented to the appraisal program. The state superintendent of education shall make available to the working committee technical assistance from the state department of education.

“(d) Local school board responsibilities.—At the commencement of the 1985-86, 1986-87, and all subsequent school years, local school boards shall classify all current teachers as probationary or professional I teachers according to the criteria contained in this chapter. By October 1, 1986, local school boards shall initiate an organized and systematic program to implement this chapter. During the 1987-88 school year and thereafter, local school boards shall implement the classification system for new teachers and continue all other activities necessary to carry out the provisions of this chapter. In establishing the appraisal program the local school board in addition to assigning each school principal primary responsibility for evaluation shall also insure the following:

“(1) Each school system shall have an appropriate number of approved evaluators designated and trained.

“(2) Each school system shall have an additional approved evaluator assigned who is not a member of that school staff.

“(3) Each professional educator appraised is provided a time for a feedback conference regarding the appraisal and is provided access to all appraisal documents.

“(4) Each professional educator shall receive the appraisal results within 15 days following the appraisal.

“(5) Each professional educator may request and receive an additional evaluation for each semester. Such re-evaluation shall be conducted by a person other than the original evaluator.”

Section 3. Section 16-24A-8, Code of Alabama 1975, is hereby amended to read as follows:

“§16-24A-8.

“Current teachers are those teachers who have been employed prior to or during the 1987-88 school year. Current teachers shall be classified as follows:

“(1) PROBATIONARY TEACHERS. To achieve probationary status a current teacher must meet the following criteria:

“(a) Meet all state board of education requirements for the issuance of a regular teaching certificate;

“(b) Hold a regular teaching certificate; and

“(c) Have not achieved tenure in any public school system.

“(2) PROFESSIONAL I TEACHERS. To achieve professional I status a current teacher must meet the following criteria:

“(a) Meet all state board of education requirements for the issuance of a regular teaching certificate.

“(b) Hold a regular teaching certificate.

“(c) Have achieved tenure in a school system in any public school system prior to or at the beginning of the 1987-88 school year.”

Section 4. Section 16-24A-9, Code of Alabama 1975, is hereby amended to read as follows:

“§16-24A-9.

“Commencing with the 1988-89 school year, phase II will be implemented for current teachers which include classification levels of professional II and master. Effective with the 1988-89 school year, teachers may be classified as professional II; and with the 1990-91 school year, as master teacher as follows:

“(1) PROFESSIONAL II. To achieve status as a professional II teacher, a current teacher must meet the following criteria:

“a. Have no less than eight years of total service in any public school system;

“b. Have no less than two years of service as a professional I teacher;

“c. Have received an overall rating of excellent during the preceding year of service as a professional I teacher; and

“d. Apply for a change in classification level no later than the last day schools are in session for the school year preceding the year for which a change in classification level is sought.

“(2) MASTER. To achieve status as a master teacher, a current teacher must meet the following criteria:

“a. Have no less than 13 years of total service in any public school system;

“b. Have no less than two years of service as a professional II teacher;

“c. Have received an overall rating of excellent in each of the three years of service immediately preceding the year for which change to master teacher level is sought;

“d. Hold a master’s degree or its equivalent in the teaching field as established by the state board of education.

“e. Have demonstrated ability to:

“1. Assist beginning teachers in the development of professional skills and knowledge;

“2. Work constructively with other professionals in such activities as curriculum development, textbook selection, evaluation of goals, administrative committees, and in-service programs; and

“3. Work constructively with parents to improve the educational program for students; and

“f. Apply for a change in classification level no later than the last day schools are in session for the school year preceding the year for which a change in classification is sought.”

Section 5. Section 16-24A-10, Code of Alabama 1975, is hereby amended to read as follows:

“§16-24A-10.

“To maintain status in a classification during the 1987-88 school year and thereafter, current teachers must meet the following requirements for the classification level held:

“(1) PROBATIONARY TEACHERS. To maintain current status, a probationary teacher must meet the following criteria:

“a. Undergo a minimum of three evaluations annually;

“b. Maintain an overall rating of satisfactory performance; and

“c. Satisfactorily complete each school year an approved professional development program.

“(2) PROFESSIONAL I TEACHERS. To maintain current status, a professional I teacher must meet the following criteria:

- “a. Undergo a minimum of two evaluations annually;
- “b. Receive for any two evaluations an overall rating of satisfactory performance; and
- “c. Successfully complete each school year an approved professional development program.

“(3) PROFESSIONAL II TEACHERS. To maintain status, a professional II teacher must meet the following criteria:

- “a. Undergo a minimum of two evaluations annually;
- “b. Receive for any two evaluations an overall rating of excellent; and
- “c. Satisfactorily complete each school year an approved professional development program.

“(4) MASTER TEACHERS. To maintain current status, a master teacher must meet the following criteria:

- “a. Undergo a minimum of two evaluations annually;
- “b. Receive for any two evaluations an overall rating of excellent performance; and
- “c. Satisfactorily complete each school year an approved professional development program.”

Section 6. Section 16-24A-12, Code of Alabama 1975, is hereby amended to read as follows:

“§16-24A-12.

“Commencing with the 1988-89 school year, there is hereby established a performance-based career incentive program for new teachers. A new teacher is any person who is not a current teacher. New teachers shall be classified commencing with the 1988-89 school year and thereafter as follows:

“(1) INTERN TEACHERS. Intern teachers are new teachers who have successfully completed all requirements for the issuance of a provisional certificate.

“(2) PROBATIONARY TEACHERS. To achieve probationary status, a new teacher must meet the following criteria:

- “a. Successfully complete one year of service as an intern teacher; and
- “b. Receive an overall rating of satisfactory performance on evaluations during the preceding year.

“(3) PROFESSIONAL I TEACHER. To achieve status as a professional I teacher, a new teacher must meet the following criteria:

“a. Successfully complete two consecutive years of service as a probationary teacher;

“b. Achieve tenure in accord with the tenure laws of the state of Alabama; and

“c. Receive an overall rating of satisfactory performance during each of the two years of service as a probationary teacher.

“(4) PROFESSIONAL II TEACHER. To achieve status as a professional II teacher, a new teacher must meet the following criteria:

“a. Successfully complete five years of service as a professional I teacher;

“b. Receive an overall rating of excellent in each of the three years of service immediately preceding the year for which change to professional II teacher level is sought; and

“c. Apply for a change in classification level no later than the last day schools are in session for the school year preceding the year for which a change in classification is sought.

“(5) MASTER TEACHER. To achieve status as a master teacher, a new teacher must meet the following criteria:

“a. Successfully complete five years of service as a professional II teacher;

“b. Receive an overall rating of excellent in each of the three years of service immediately preceding the year for which change to master teacher level is sought;

“c. Hold a master’s degree or its equivalent in the teaching field as established by the state department of education;

“d. Have demonstrated ability to:

“1. Assist beginning teachers in the development of professional skills and knowledge;

“2. Work constructively with other professionals in such activities as curriculum development, textbook selection, evaluation of goals, administrative committees, and inservice programs; and

“3. Work constructively with parents to improve the educational program for students; and

“e. Apply for a change in classification level no later than the last day schools are in session for the school year preceding the year for which a change in classification is sought.”

Section 7. Section 16-24A-21, Code of Alabama 1975, is hereby amended to read as follows:

“§16-24A-21.

“(a) For the 1988-89 school year and thereafter there shall be established state allotment supplement ranges for professional II and master teachers which incorporate no less than a fiscal interval of \$5,000.00 between professional I and professional II and a fiscal interval of no less than \$6,000.00 between professional II and master teacher. At the master level, an additional increment of \$1,000.00 shall be provided for teachers who hold AA certification, and an additional increment of \$1,000.00 shall be paid to teachers who hold doctorate degrees.

“(b) In developing local school system salary schedules, local boards of education shall structure salaries for those employees who do not have teaching duties as defined in subdivision (12) of Section 16-24A-3, to ensure that salary differentials are consistent with the purposes and provisions of this chapter.”

Section 8. Section 16-24A-26, Code of Alabama 1975, is hereby amended to read as follows:

“§16-24A-26.

“The state superintendent of education shall submit a progress report on the implementation of phase I of the career incentive programs to the governor, members of the Alabama legislature and members of the state board of education by January 1, 1988. Such progress report shall include the evaluation instrument developed by the working committee established by this chapter, any administrative procedures developed by the state department of education and/or the working committee pursuant to the evaluation instrument, a summary of any training seminars and manuals developed, and the status of evaluations being conducted in each of the local school systems. The state director of finance shall certify to the legislature on the first legislative day of the 1988 regular session as to whether or not revenue is available in the projected estimates of revenue to the Alabama Special Educational Trust Fund for fiscal years 1988-89 through 1990-91 to implement phase II of the career incentive program. Before phase II of the career incentive program can be implemented, the legislature shall pass a new bill reaffirming its commitment to the career ladder incentive program as implemented in phase I and affirming that sufficient funds are available to implement phase II of the career incentive program. If such bill is not passed by the end of the 1988 or 1989 regular session of the Alabama legislature, phase II of the career incentive program shall not be implemented.”

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-725

H. 126—Reps. Penry, Starr, Spratt
and McNair

AN ACT

To amend §2-3A-2 which contains definitions by deleting the words “agricultural facility”, and substituting in its place, the words “agricultural operations”, which is defined as any real or personal property or expenditure necessary or desirable in acquiring, improving or operating farms, or silvacultural or aquacultural operations, including operating and family living expense and refinancing of existing farm debts. It also defines “agricultural operations” as the treating, processing, storing or manufacturing of agricultural commodities or other types of agri-businesses, but it prohibits retail operations; to amend §2-3A-7 by deleting “agricultural facility” and its definition and the prohibition against refinancing existing indebtedness and substituting in its place “agricultural operations” and its definition as it appears in §2-3A-2.

Be It Enacted by the Legislature of Alabama:

Section 1. §2-3A-2 is hereby amended to read as follows:

§2-3A-2. Definitions.

The following words and phrases used in this chapter, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

(1) **AFFILIATE.** With respect to any lender, any person, firm or corporation controlled by, or under common control with, such lender, and any person, firm or corporation controlling such lender.

(2) **AGRICULTURAL OPERATIONS.** Farming, ranching, the production of agricultural commodities (including, without limitation, the products of aquaculture and silvaculture) or the treating, processing, storing, manufacturing, marketing, distribution or exporting of agricultural commodities; provided, however, that such term shall not include any operation the principal purpose of which is the selling at retail of agricultural commodities or related products; provided, further, that costs of agricultural operations shall specifically include,

but not be limited to, costs of acquiring and improving real and personal property, repairs, annual operating expenses, family living expenses and refinancing of debt incurred for any such costs.

(3) **AUTHORITY.** The public corporation organized pursuant to the provisions of this chapter.

(4) **BOARD.** The board of directors of the authority.

(5) **BONDS.** Bonds, notes, certificates, bond, grant or revenue anticipation of notes or any other evidence of indebtedness representing an obligation to pay money.

(6) **DIRECTOR.** A member of the board of the authority.

(7) **LENDER.** Any federal or state chartered bank, federal land bank, production credit association, bank for cooperatives, federal or state chartered savings and loan association or building and loan association, small business investment company or any other institution qualified within this state to originate and service loans, including, but without limitation to, insurance companies, credit unions and mortgage loan companies.

(8) **PERSON.** Unless limited to a natural person by the context in which it is used, a person, corporation, association, partnership or cooperative.

(9) **STATE.** The state of Alabama.

Section 2. §2-3A-7 is hereby amended to read as follows:

§2-3A-7. Powers of authority; open meetings.

(a) The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of §2-3A-14) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions, and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt, alter and repeal by-laws, not inconsistent with the provisions of this chapter, for the regulation and conduct of its affairs and business;

(5) To loan its funds to one or more persons to be used by such persons to pay the costs of agricultural operations, such loans to be on such terms and conditions, and for such period of time, and

secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness of such persons as the board may determine;

(6) To purchase, or to make commitments to purchase, from lenders mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, which mortgages and other instruments were executed by the obligors thereon to obtain funds for agricultural operations;

(7) To contract with lenders or others for the origination of or the servicing of the loans made by the authority pursuant to subdivision (5) of this section or represented by the mortgages or other instruments which it has purchased pursuant to subdivision (6) of this section; provided that such servicing fee shall not exceed one percent per annum of the principal amount outstanding owed to the authority;

(8) To foreclose any mortgages, deeds of trust, notes, debentures, bonds and other security interests held by it, either by action or by exercise of a power of sale, and to sell the equity of redemption in said security interests in accordance with the terms of said instruments and applicable state law, and to take all such other actions as may be necessary to enforce any obligation held by it;

(9) To purchase the equity of redemption in any such mortgage, deed of trust, note, debenture, bond or other security interest;

(10) To receive and accept, from any source, aid or contributions of money, property, labor or other items of value for furtherance of any of its purposes, subject to any conditions not inconsistent herewith or with the laws of this state pertaining to such contributions, including, but without limitation to, gifts or grants from any department, agency or instrumentality of the United States of America;

(11) To collect such fees and charges in connection with its loans, advances, insurance, commitments, servicing and other activities as it may determine;

(12) To sell at either public or private sale, with or without public bidding, any mortgage, deed of trust, note, debenture or other obligation held by the authority;

(13) To procure such insurance and guarantees as the board may deem advisable, including, but without limitation to, insurance or guarantees against any loss in connection with any notes or obligations held by it, and any of its property or assets, and for payment of any bonds or other obligations issued by the authority, in such amounts and from such public or private entities, as it may deem advisable, and to pay premiums or other charges for any such insurance or guarantees;

(14) To borrow money and to sell and issue its bonds for any corporate function, use or purpose authorized herein;

(15) To mortgage, pledge, assign or grant security interests in any or all of its notes or other instruments, contract rights or other property, including, but without limitation to, any receipts from insurance on or guarantees of any of its notes or other instruments, as security for the authority, or as security for any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues from which said bonds are payable as security for the payment of the principal of and interest on said bonds and any agreements made in connection therewith;

(16) To execute and deliver, in accordance with the provisions of this section and of §2-3A-8, mortgages and deeds of trust and trust indentures, or either;

(17) To appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to, engineers, attorneys, management consultants, fiscal advisers, and agricultural, silvacultural and aquacultural experts, as the business of the authority may require; provided, however, that no director or member of his or her firm, business, partnership or corporation shall be employed or compensated by the authority;

(18) To invest any funds of the authority that the board may determine are not presently needed for any of its corporate purposes in obligations of the United States of America, and interest bearing bank and savings and loan association deposits, or any thereof;

(19) To enter into a management agreement or agreements with any person for the management by said person for the authority of any of its properties upon such terms and conditions as may be mutually agreeable;

(20) To sell, exchange, donate and convey any or all of its properties whenever its board shall find any such action to be in furtherance of the purposes for which the authority was organized; and

(21) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted hereunder.

(b) All meetings of the board of the authority for any purpose shall be open to the public.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 2, 1986

Time: 3:30 P.M.

Act No. 86-726

S.J.R. 82—Senator Dixon

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF E. M. "MAC" McKINNEY OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Emory Maurice McKinney of Montgomery, Alabama, on September 17, 1986, at the age of 64 years; and

WHEREAS, a native of Lincolnton, Georgia, and a longtime resident of Montgomery, Mac McKinney was a United States Navy veteran of World War II and a 1948 graduate of Auburn University; and

WHEREAS, Mr. McKinney, who at the time of his death was Senior Vice President of Operations for Alabama Farm Bureau Insurance, had served with prominence in the insurance industry for some 38 years and was most singularly distinguished as both a LUTC and CLU graduate; and

WHEREAS, in addition to his professional affiliations and involvement, Mr. McKinney also was an active member of Druid Hills Church of Christ, where he served as Elder and Sunday School teacher; a member as well of the Montala Civitan Club; and served on the Advisory Board of Faulkner University; and

WHEREAS, he further was the recipient of such distinctions as the Civitan Honor Key, the highest award that can be bestowed by Civitan District in recognition of service; the Distinguished American Citizen Award by Harding College in acknowledgement of devotion to and the embodiment of the spirit of American ideals; and the Liberty Bell Award by the Montgomery Bar Association for outstanding civic, religious and business activities; and

WHEREAS, in the death of Mac McKinney, the community has indeed suffered an inconsolable loss and one which leaves a deep void in the hearts of all those whose lives he touched in selfless

service and in genuine care and concern for all humankind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of E. M. "Mac" McKinney of Montgomery, Alabama, and extend our very deepest sympathy to his beloved wife, Mrs. Kathryn Gunter McKinney; to his daughters, Gail M. Clements and Barbara McKinney; and to other family members whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-727

S.J.R. 83—Senator Strong

SENATE JOINT RESOLUTION

COMMENDING THE DEMOPOLIS ACADEMY "GENERALS," PRIVATE SCHOOL AA STATE BASEBALL CHAMPIONSHIP TEAM.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes that the Demopolis Academy "Generals" Baseball Team recently battled their way through regional and state tournaments to win their second straight state title in the Private School AA State Baseball Championship; and

WHEREAS, this team of champions showed their true grit by the brilliant pitching of Buddy Large and eleven hits blanking Shelby Academy 11-0 in the final tournament play and posting a 32-4 season record; and

WHEREAS, Coach Frank King honed the "Generals" fine talent, agility, sharp execution and prowess, displayed throughout this season, and with their large attendance school administrators and students have displayed exceptional school spirit and commendable sportsmanship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the 1986 Demopolis Academy "Generals" Championship Team and Coach King on their fantastic 32-4 season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Coach Frank King, and each team member

and manager so that they may know of our warm praise and personal regards.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-728

S.J.R. 87—Senator Dixon

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF E. M. "MAC" MCKINNEY OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Emory Maurice McKinney of Montgomery, Alabama, on September 17, 1986, at the age of 64 years; and

WHEREAS, a native of Lincolnton, Georgia, and a longtime resident of Montgomery, Mac McKinney was a United States Navy veteran of World War II and a 1948 graduate of Auburn University; and

WHEREAS, Mr. McKinney, who at the time of his death was Senior Vice President of Operations for Alabama Farm Bureau Insurance, had served with prominence in the insurance industry for some 38 years and was most singularly distinguished as both a LUTC and CLU graduate; and

WHEREAS, in addition to his professional affiliations and involvement, Mr. McKinney also was an active member of Druid Hills Church of Christ, where he served as Elder and Sunday School teacher; a member as well of the Montala Civitan Club; and served on the Advisory Board of Faulkner University; and

WHEREAS, he further was the recipient of such distinctions as the Civitan Honor Key, the highest award that can be bestowed by Civitan District in recognition of service; the Distinguished American Citizen Award by Harding College in acknowledgement of devotion to and the embodiment of the spirit of American ideals; and the Liberty Bell Award by the Montgomery Bar Association for outstanding civic, religious and business activities; and

WHEREAS, in the death of Mac McKinney, the community has indeed suffered an inconsolable loss and one which leaves a deep void in the hearts of all those whose lives he touched in selfless service and in genuine care and concern for all humankind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of E. M. "Mac" McKinney of Montgomery, Alabama, and extend our very deepest sympathy to his beloved wife, Mrs. Kathryn Gunter McKinney; to his daughters, Gail M. Clements and Barbara McKinney; and to other family members whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-729

S.J.R. 92—Senators Dial, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Strong

SENATE JOINT RESOLUTION

NAMING THE BRIDGE ON U. S. HIGHWAY 280 AT CHILDERSBURG IN TALLADEGA COUNTY, ALABAMA, THE "JOHN TEAGUE BRIDGE."

WHEREAS, John Teague of Childersburg is a distinguished Alabama statesman and an exemplary public servant who has served in the State Legislature since 1974 when he was first elected to the Alabama House of Representatives; elected to his Senate seat in mid-term of that quadrennium, he has since won re-election in 1978 and 1982, and currently serves as president pro tem of the Alabama Senate; and

WHEREAS, throughout his terms of office, our friend and colleague, John Teague, has worked tirelessly and with purposeful dedication, not only for his constituents, but for the good and lasting betterment of the entire State of Alabama; and

WHEREAS, John Teague is a man of exceptional ability, and through initiative, great foresight and a determined spirit has brought

about positive change for Alabama and has given direction to its future, thereby earning for himself the admiration and regard of his peers and associates; and

WHEREAS, in gratitude for his service to the State of Alabama and to all citizens thereof, and in recognition of his accomplishments as one of our state's most outstanding leaders, it is entirely fitting and desirable that his contributions and accomplishments be publicly acknowledged in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the New River bridge on U. S. Highway 280 at Childersburg in Talladega County, Alabama, which was erected with funds instrumentally secured by State Senator John Teague, is hereby named and designated as the "John Teague Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are authorized to erect and maintain appropriate signs and markers so designating said bridge as the "John Teague Bridge."

RESOLVED FURTHER, That in token of esteem and as a memento of this honorary designation, a copy of this resolution shall be presented to Senator Teague.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-730

S.J.R. 95—Senators Bedsole and Denton

SENATE JOINT RESOLUTION

URGING THE DEPARTMENT OF PUBLIC SAFETY TO COMPUTERIZE CERTAIN ORGAN DONOR DESIGNATED DRIVER'S LICENSE RECORDS.

WHEREAS, in 1976, the Alabama Legislature enacted Act No. 753 of the 1976 Regular Session, now codified as Section 22-19-60 of the Code of Alabama 1975; and

WHEREAS, Section 22-19-60 provides that a gift of all or part of the body may be made by the holder of a valid driver's license or nondriver identification card and said gift shall be noted on the license or card; and

WHEREAS, it was the hope of the Legislature that such an act would save lives and improve the health of our citizens; and

WHEREAS, this Legislature believes an improvement in the manner of making donor information available to the medical community by means of computerization of said records would provide an increased benefit to the public; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature urges the Department of Public Safety to computerize its records concerning donor organ designated motor vehicle drivers' licenses.

BE IT FURTHER RESOLVED, That said computerized records shall be available to hospitals, physicians and the medical community to be used for the purpose of saving lives and improving the health of our citizens.

RESOLVED FURTHER, that copies of this resolution be delivered to the Governor, the Director of the Department of Public Safety and the State Health Officer so that they may know of our sentiment regarding this matter.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-731

S.J.R. 96—Senator Ellis

SENATE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF MONTEVALLO FOR ESTABLISHING THE FIRST EMINENT SCHOLAR'S CHAIR UNDER ACT 85-759 AND FOR BEING THE STATE'S PUBLIC LIBERAL ARTS UNIVERSITY.

WHEREAS, the University of Montevallo — now celebrating its 90th anniversary of service to the people of Alabama — was the first State university to establish an endowed chair under the provisions of the Eminent Scholars Act 85-759; and

WHEREAS, the chair has been denominated the Paschal P. Vacca Chair of Liberal Arts in honor of former State Senator Pat Vacca, who provided the private matching funds required by Act 85-759, and thereby has been designated the newest symbol of the Montevallo difference; and

WHEREAS, this unique symbol of the Montevallo difference is not only a notable symbol of the academic achievements of the

University Community during recent years, but it also is the centerpiece of the new Center for Excellence in Undergraduate Liberal Studies approved by the 1986 Legislature; and

WHEREAS, this Center, funded, in part, by a special line item appropriation in the 1986-87 Education Appropriation Bill, will become, in time, a uniquely new way of vitalizing the liberal arts in Alabama higher education;

WHEREAS, Alabama College (now the University of Montevallo) for many years was known formally as "A State College of Liberal Arts" and was recognized statewide and even nationally as an outstanding liberal arts institution:

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, Both Houses Concurring, That The University of Montevallo Be Commended for Establishing the First Chair Under Act 85-759 and That The University of Montevallo Be Commended for Being Still "Alabama's Liberal Arts University."

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-732

S.J.R. 98—Senators Denton, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

COMMENDING MRS. BRENDA HOLMES AND HER HUSBAND SENATOR DONALD HOLMES ON THEIR 25TH WEDDING ANNIVERSARY.

WHEREAS, this Legislature notes with pleasure the occasion of the 25th wedding anniversary of Mrs. Brenda Holmes and her

husband, Senator Donald Holmes, on this day, the 23rd of September 1986; and

WHEREAS, after a quarter of a century of marriage it is clearly evident by their conduct and appearances that they are as devoted to each other today as they were on their wedding day, when the twain became one; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mrs. Brenda Holmes and her husband, Donald, upon the occasion of their silver wedding anniversary and do wish them many more years of marital bliss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Brenda Holmes and her husband, Donald, with our best wishes.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-733

S.J.R. 103—Senator Hand

SENATE JOINT RESOLUTION

DESIGNATING THE ORGANIZATION KNOWN AS THE BALDWIN COUNTY BLUE GRASS HALL OF FAME IN STAPLETON, ALABAMA, AS THE OFFICIAL BALDWIN COUNTY BLUE GRASS HALL OF FAME.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the organization known as the Baldwin County Blue Grass Hall of Fame, located in Stapleton, Alabama, is hereby named and designated as the official Baldwin County Blue Grass Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to R. H. Goram, President of the Baldwin County Blue Grass Hall of Fame.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-734

S.J.R. 6—Senators Ellis, Aldridge, Amari,
Bailey, Barron, Bedford,

Bedsole, Bennett, Bishop,
 Cabaniss, Cooley, Corbett,
 Covington, deGraffenried,
 Denton, Dial, Dixon, Drinkard,
 Figures, Foshee, Goodwin,
 Hand, Hilliard, Holmes, Horn,
 Langford, Little, Menton,
 Mitchem, Parsons, Sanders,
 Smith (B), Smith (J), Strong
 and Teague

SENATE JOINT RESOLUTION

COMMENDING ANGELA CALLAHAN, "MISS ALABAMA."

WHEREAS, Angela Callahan of Birmingham, Alabama, is the lovely and talented reigning Miss Alabama for 1986; and

WHEREAS, Miss Callahan, the daughter of Mr. and Mrs. Nicholas Callahan, will represent Alabama in the Miss America pageant the week of September 13, 1986, in Atlantic City, and will compete for the coveted crown for 1987; and

WHEREAS, Miss Callahan a junior at Birmingham-Southern College is the recipient of the E. B. Stephens Scholarship for piano performance at Birmingham-Southern College and has exercised and practiced long hours each day to perfect her outstanding talents and has been acclaimed nationally; and

WHEREAS, Miss Callahan began her piano lessons at the age of three years old and has performed for Roger Williams; renowned pianist, Rosalyn Carter, Dina Merrill, among many other national figures; and

WHEREAS, Miss Callahan has worked as an executive intern for television and has demonstrated her singing talents in opera and musicals before various forums, including the many appearances during the past years in preparation for her quest of the Miss Alabama crown; and

WHEREAS, the many talents, charm, beauty and intelligence of Angela Callahan have brought her many prestigious honors and awards and the 1986 Miss Alabama crown was the culmination of the long and arduous hours of study, exercise and practice; and

WHEREAS, in spite of her busy schedule, she also has made many contributions to her college, community and many societies and church; and

WHEREAS, the Miss America crown is the summit for talented and intelligent young ladies throughout the nation, where the best

of each state is represented, and their selection brings great honors and recognition to these chosen few; and

WHEREAS, Miss Callahan has not only electrified audiences throughout Alabama, she has made Alabama proud to have a contestant of her moral fibre, keen intellect and dedication to her fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend Miss Angela Callahan on her many achievements and honors, and particularly as the reigning Miss Alabama.

BE IT FURTHER RESOLVED, That the best wishes of this body and indeed all of America are with her as she enters the Miss America pageant during the week of September 13 for the 1987 crown.

RESOLVED FURTHER, That a copy of this resolution be sent by the Secretary of the Senate to Miss Callahan so that she may know of our great pride and commendation of her many achievements and best wishes for all her endeavors.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-735

S.J.R. 7—Senator Goodwin

SENATE JOINT RESOLUTION

COMMENDING BUSH HOG IMPLEMENTS ON THE OCCASION OF ITS 32ND ANNUAL SALES MEETING IN MONTGOMERY, ALABAMA.

WHEREAS, Bush Hog Implements, a division of Allied Products Corporation of Chicago, had its beginning in Selma, Alabama in 1952 and is recognized in the farm equipment industry as one of the leading manufacturers of farm equipment in the entire United States; and

WHEREAS, “Make Our Success Your Success” is the promise Bush Hog makes to its customers, and the company has fulfilled that promise throughout the United States, as well as worldwide; and

WHEREAS, despite the difficult farm economy, Bush Hog has been successful and has grown through its willingness to share its

success with dealers, farmers and consumers throughout the United States and Canada; and

WHEREAS, Bush Hog has developed farm equipment that helps farmers meet the challenge of today's difficult farm economy and has also manufactured farm equipment that reduces erosion of valuable topsoil, reduces production costs and increases crop yields; and

WHEREAS, Bush Hog further has brought the reliability of large farm equipment to small farms; has developed equipment that turns all-terrain vehicles (ATV's) into workhorses for the farm, yard and nursery; and through its products, sales representatives and marketing techniques, has shared its success with thousands of farmers and dealers in the United States and Canada; and

WHEREAS, this week Bush Hog and two other Allied Products Corporation companies, Kewanee and Lilliston, are meeting together in Montgomery with their national sales force, thereby "teaming up" to share their success with more dealers and farmers in North America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Bush Hog, Kewanee and Lilliston for their ability to prosper in times that are difficult for the farm economy and for their efforts to improve the farm economy by sharing their success.

BE IT FURTHER RESOLVED, That by this resolution we acknowledge the importance of this company to our nation's farm economy and to our state.

RESOLVED FURTHER, That copies of this resolution be forwarded to Bush Hog Implements of Selma, Alabama, and to Allied Products of Chicago, Illinois.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-736

S.J.R. 9—Senator Foshee

SENATE JOINT RESOLUTION

COMMENDING THE HONORABLE WILEY P. HENDERSON UPON HIS RETIREMENT AS DISTRICT ATTORNEY FOR THE 21ST JUDICIAL CIRCUIT.

WHEREAS, the Honorable Wiley P. Henderson was appointed to the office of District Attorney for the 21st Judicial Circuit by Governor George C. Wallace on October 25, 1965; and

WHEREAS, the Honorable Wiley P. Henderson has since been elected unopposed to three full terms by the people of Escambia County; and,

WHEREAS, the Honorable Wiley P. Henderson has served continuously, faithfully and loyally as District Attorney of Escambia County for twenty-one years; and,

WHEREAS, Wiley P. Henderson is married to the former Willneila Wiggling and they are the proud parents of four children; and,

WHEREAS, the Honorable Wiley P. Henderson is a member of the Escambia County, Alabama, and American Bar Associations; the Alabama and National District Attorney's Associations, a 32nd Degree Mason, an airplane pilot and an ordained Deacon in the First Baptist Church of Flomaton, Alabama; and,

NOW THEREFORE BE IT RESOLVED by the Legislature, both Houses thereof concurring, That we hereby commend the Honorable Wiley P. Henderson on his service to the people of Escambia County and the State of Alabama and heartily congratulate him and wish him well in his retirement; and,

BE IT FURTHER RESOLVED, That a copy of this Resolution be presented to the said Wiley P. Henderson in ceremony in his honor in the Escambia County Courtroom in order that he may be aware of the high esteem and regard in which he is held.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-737

S.J.R. 12—Senators Dixon, Langford, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Little, Menton, Mitchem, Parsons, Sanders,

Smith (B), Smith (J),
Strong and Teague

SENATE JOINT RESOLUTION

COMMENDING MONTGOMERY'S ST. MARGARET'S HOSPITAL AND EXPRESSING THE LEGISLATURE'S APPRECIATION TO ITS ADMINISTRATORS AND STAFF.

WHEREAS, St. Margaret's Hospital in Montgomery, Alabama, is widely known as "the hospital with heart in the heart of Central Alabama"; and

WHEREAS, a shining example of St. Margaret's generosity in serving the public is the establishment of a Capitol complex health service station that is housed in the Alabama State House; and

WHEREAS, Health Services, which has been in operation since June 1986, is directed by Ms. Yvonne Naile, a Registered Nurse whose competence and long years of experience combine to instill great confidence in her ability in all those in need of her professional care; and

WHEREAS, this generous act on the part of St. Margaret's is indeed an outstanding illustration of the distinguished and dedicated services rendered by the health care profession in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend St. Margaret's Hospital in Montgomery, Alabama, for outstanding professional and public service, and we further express our sincere gratitude for the health care service they are providing Alabama's state employees and officials.

BE IT FURTHER RESOLVED, That in token of our sincere appreciation and regard, a copy of this resolution shall be forwarded to Sister Aurelia of St. Margaret's Hospital, Montgomery, Alabama, with a copy also provided for Ms. Yvonne Naile.

Approved October 2, 1986

Time: 3:00 P.M.

Covington, deGraffenried,
 Denton, Dixon, Drinkard,
 Ellis, Figures, Foshee,
 Goodwin, Hand, Hilliard,
 Holmes, Horn, Langford,
 Little, Menton, Mitchem,
 Parsons, Sanders, Smith (B),
 Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

THANKING MRS. NANCY FORRESTER OF THE LEGISLATIVE REFERENCE SERVICE FOR HER OUTSTANDING SERVICE TO THE LEGISLATURE.

WHEREAS, over the past nine years many resolutions expressing various sentiments of this body have been introduced; and

WHEREAS, Mrs. Nancy Forrester of the Legislative Reference Service has been primarily responsible for writing these resolutions; and

WHEREAS, this body recognizes the outstanding journalistic talents and abilities of Mrs. Forrester; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to express its deepest appreciation to Mrs. Forrester for the high degree of professional service she renders to the Legislature.

BE IT FURTHER RESOLVED, That Mrs. Forrester receive a copy of this resolution so that she may know of our gratitude for a job well done.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-739

S.J.R. 30—Senator Teague

SENATE JOINT RESOLUTION

DECLARING OCTOBER 15, 1986, "WHITE CANE SAFETY DAY" IN ALABAMA.

WHEREAS, the White Cane has long been the symbol of the precious rights of security, equality, and opportunity to the blind and visually impaired; and

WHEREAS, its history has been that of all great social reforms — from a challenge to be met, to experimentation, to custom, to passage of laws of varying effectiveness in various states — culminating today in the enactment into statute in many states of the Model White Cane Law; and

WHEREAS, the measure makes it the policy of the state that these persons, the visually impaired and blind, and the otherwise disabled, shall be encouraged and enabled to participate fully in the social and economic life of the state; and

WHEREAS, the state calls upon the general citizenry to expect to see blind and disabled persons abroad in the community going to and from the places of their work and recreation, and to take all necessary precautions to secure their safety; and

WHEREAS, motorists are required to yield the right-of-way to totally or partially blind persons carrying a predominantly white cane or using a guide dog; and

WHEREAS, one of the most significant features of the Model White Cane Law is the provision declaring that it shall be the policy of the state that blind persons, visually impaired, and otherwise disabled persons shall be employed in the service of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby give our full support and endorsement in declaring October 15, 1986, as "White Cane Safety Day" in Alabama to remind the general public of its responsibilities to the blind, the visually impaired, and otherwise disabled persons.

BE IT FURTHER RESOLVED, That we commend the Alabama Institute for Deaf and Blind, the State Department of Education's Division of Rehabilitation, and all other state agencies for their focus on the Model White Cane Law and the genuine interest and deep concern shown for the blind and visually impaired through support of it.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-740

S.J.R. 31—Senator Bedford

SENATE JOINT RESOLUTION

URGING THE STATE OF ALABAMA HIGHWAY DEPARTMENT, BUREAU OF STATE PLANNING, DIVISION OF SURVEYING AND MAPPING, TO INCLUDE THE HUBBERTVILLE COMMUNITY IN FAYETTE COUNTY, ALABAMA, ON ALL OFFICIAL STATE MAPS.

WHEREAS, residents of the Hubbertville Community on Alabama Highway 129 in Fayette County, Alabama, are shining examples of our many fine, upstanding and hard working citizens throughout the State of Alabama; and

WHEREAS, Hubbertville is indeed a community with a proud heritage, and it also is the location of Hubbertville High School which traditionally produces outstanding athletic teams that are enthusiastically supported by the community; and

WHEREAS, though the Community of Hubbertville appears on the official maps of Fayette County, its location is not marked on the official maps of the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the State Highway Department, Bureau of State Planning, Division of Surveying and Mapping, to justly honor the fine Community of Hubbertville, on Alabama Highway 129 in Fayette County, Alabama, and its citizens, by including said community on all official maps of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Director of the State of Alabama Highway Department that he may notify the department's Division of Surveying and Mapping of this request of the Legislature.

Approved October 2, 1986

Time: 3:00 P.M.

Act 86-741

S.J.R. 32—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING JOHN SLATTON, "1986 ALABAMA BROADCASTER OF THE YEAR."

WHEREAS, the Alabama Legislature notes that John Slatton, owner of Radio Station WJBB-FM in Haleyville, since 1954, was the recipient of the coveted "1986 Broadcaster of the Year" Award at the Alabama Broadcasting Association Summer Convention; and

WHEREAS, John Slatton, a resident of Haleyville since 1954, has been in broadcasting since the 1940s, and has served in many capacities in the broadcasting field where he has held various offices in which he made many contributions to the media and broadcasting in particular; and

WHEREAS, John Slatton is admired and respected by not only the broadcasting industry but all who know him because of his high ethical and moral standards; and

WHEREAS, during World War II and the Korean Conflict, John Slatton served his country with distinction and he has received many civic and professional awards in recognition of his dedication for the betterment of his fellowman; and

WHEREAS, John Slatton is an exemplary member of the Church of Christ and is an inspiration to those whose lives he has touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend John Slatton on being selected as the "1986 Alabama Broadcaster of the Year," and his dedicated life to his church, nation, state and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to John Slatton, "1986 Alabama Broadcaster of the Year," so that he may know of our high esteem and praise.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-742

S.J.R. 33—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING DONNIE VANDIVER, RUSSELLVILLE, ALABAMA.

WHEREAS, the Alabama Legislature notes the extraordinary record of Patrol Officer Donnie Vandiver, of the Russellville Police Department, in law enforcement and emergency service in the Franklin County community; and

WHEREAS, Officer Vandiver, a graduate of Russellville High School and the Northeast Alabama Police Academy in Jacksonville, Alabama, is a seven-year veteran of the police department, and in 1985 he set a singular record of more than 100 arrests of offenders driving under the influence along the highways and streets of Russellville and resulted in no serious injuries or deaths due to DUI-related accidents along those areas he patrolled; and

WHEREAS, on May 8, 1986, the Governor's State Safety Coordinating Committee named Patrol Officer Vandiver recipient of the coveted first John G. Henderson Memorial Safety Award for his excellency; and

WHEREAS, Donnie Vandiver is exemplary in his concern for his fellowman and the enrichment of his community where he also operates the city-county ambulance service, serves as a volunteer fireman and an emergency medical technician, as well as being a member of the Franklin County Rescue Squad; and

WHEREAS, Donnie Vandiver has brought great distinction to himself and his community in his battle for the safety of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend Officer Donnie Vandiver of Russellville, Alabama, for his outstanding contributions to law enforcement and safety for his fellowman and congratulate him on being the first recipient of the John G. Henderson Memorial Safety Award.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Officer Vandiver so that he may know of our high admiration.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-743

S.J.R. 50—Senator Sanders

SENATE JOINT RESOLUTION

PROVIDING FOR THE PLACEMENT OF A MARKER OR SIGN ON U. S. HIGHWAY 80 DESIGNATING THE PLACE WHERE MRS. VIOLA LIUZZO WAS KILLED.

WHEREAS, March 25, 1985, marks the 20th anniversary of the death of Mrs. Viola Liuzzo; and

WHEREAS, it was on that date that Mrs. Liuzzo, a civil rights worker from Detroit, Michigan, was killed while ferrying civil rights marchers back to Selma from Montgomery; and

WHEREAS, it is fitting that the State of Alabama pay tribute to Mrs. Liuzzo in such a manner that persons traveling between Selma and Montgomery on U. S. Highway 80 may be reminded of her extraordinary place in civil rights history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Highway Department is hereby authorized to provide for the placement of a marker or sign on U. S. Highway 80, with an appropriate inscription thereon, designating the place where Mrs. Viola Liuzzo was killed.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-744

S.J.R. 54—Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JANE L. KATZ, MONTGOMERY, ALABAMA.

WHEREAS, in consensus of deep sorrow and regret, the Legislature of Alabama records the untimely death of Jane L. Katz, on August 18, 1986, at the age of just 55 years; and

WHEREAS, Jane Katz, a native of Montgomery, Alabama, and a graduate of Syracuse University, was legislative chairman and liaison of the League of Women Voters of Alabama, and brought great knowledge and expertise to her position for over eight years; and

WHEREAS, Ms. Katz diligently followed the legislative process for over twenty years and was a long time member of the League

of Women Voters Board of Directors and was instrumental in establishing a League educational fund; and

WHEREAS, Jane L. Katz researched and published a biweekly newsletter and sessions' analyses; she had an insightful view of governmental affairs and was an ardent worker for the public interest, better educational opportunities, open government and governmental reform, all of which earned her great distinction and the esteem of her colleagues, friends and this body; and

WHEREAS, Jane Katz contributed immeasurably to her state and community in her challenging positions for the enrichment of all and in her exemplary dedication for better government; and

WHEREAS, Jane Katz's leadership, ready smile and quick wit, her culinary skills, and keen intelligence delighted those whose paths she crossed; and

WHEREAS, Jane Katz served several terms on the Board of Directors of Temple Beth Or of which she was an active member; and

WHEREAS, this legislature valued its association with Jane Katz and will greatly miss her leadership, advice, expertise, vast knowledge and keen wit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we do grievously mourn, we do give thanks for the life, labors and friendship of our friend and distinguished public servant, Jane L. Katz.

RESOLVED FURTHER, That in expression of concern we do sent copies of this resolution to Jane L. Katz's devoted husband, Warren, and to her beloved children: Teresa Wright of Birmingham, Alabama, and Laura Katz of Charleston, South Carolina, and Daniel Katz of Annapolis, Maryland, and to her brothers, Arthur Lobman of New York and Walter Lobman of Pensacola, Florida.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-745

S.J.R. 59—Senator Strong

SENATE JOINT RESOLUTION

COMMENDING THE SWEET WATER, ALABAMA, HIGH SCHOOL "BULLDOGS", STATE 1-A CHAMPIONS.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes that the Sweet Water High School "Bulldogs" Baseball Team recently captured the Alabama High School Athletic Association Class A championship with an enviable 23-3 season, and sweeping its last two games, against formidable Hale County "Wildcats", by 7-6 and 11-1; and

WHEREAS, this outstanding baseball team showed their tenacity in preserving their lead, after a Wildcat surging rally in the first game, by the brilliant pitching of Ronald Gamble and Morris Etheridge and outstanding hitting, and Gamble recorded 12 strikeouts and gave up 5 hits in 5 innings; and

WHEREAS, Head Coach Nolan Atkins contributed his management expertise and skills in honing the team's sharp execution and prowess, displayed throughout this season and during the seven of the last eight years the "Bulldogs" have earned a spot in the finals; and

WHEREAS, the Sweet Water "Bulldogs", their coach, team, supporters and administrators display commendable school spirit and class; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend this 1986 Sweet Water High School "Bulldogs" championship team and Coach Atkins on their outstanding 23-3 season.

RESOLVED FURTHER, That copies of this resolution be sent to principal Sid Adkins, head coach Nolan Atkins, and each team member and managers so that they may know of our warm praise and personal regards.

Approved October 2, 1986

Time: 3:00 P.M.

Act 86-746

S.J.R. 60—Senator Strong

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF NANCY ELAINE SMITH JORDAN OF DEMOPOLIS, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the untimely death of Nancy Elaine Smith Jordan of Demopolis, Alabama, on April 27, 1986, at the early age of just 50 years; and

WHEREAS, a native of Atlanta, Georgia, and a graduate of Decatur High School in Decatur, Georgia, Mrs. Jordan also was a graduate of Auburn University with the B.S. degree in Education and received the Master's degree from Livingston University; and

WHEREAS, Mrs. Jordan, who was a teacher in the Demopolis City School System, also was a faithful member of the First United Methodist Church of Demopolis where she sang in the chancel choir, taught a Sunday School Class and actively participated in the Wesley Group; and

WHEREAS, a devout Christian since childhood, Nancy Jordan was most particularly involved with the work of the Auxiliary of Gideons International; a member of that organization since 1970, she and her husband, Roy M. Jordan, coordinated the work of Gideons in the ten counties of Southwest Alabama and, for the past two years, Mrs. Jordan served in the State Cabinet of Gideons as Area V Coordinator; and

WHEREAS, the death of Nancy Jordan has indeed left a deep void in the life of her community and in the hearts of her family, her many friends and all those whose lives she touched in Christian care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Nancy Elaine Smith Jordan of Demopolis, Alabama, and extend our very deepest and sincere sympathy to her husband, Roy; their children, Glenda and Lee; to her sister and brothers; and to other family members whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved October 2, 1986

Time: 3:00 P.M.

Act 86-747

S.J.R. 61—Senators deGraffenried and Cabaniss

SENATE JOINT RESOLUTION

COMMENDING FRANK J. SEGO OF MONTGOMERY, ALABAMA, PRESIDENT-ELECT OF THE NATIONAL EXCHANGE CLUB.

WHEREAS, in consensus of highest commendation, the Legislature of Alabama congratulates Frank J. Segó of Montgomery, Alabama, on his election to the office of president-elect of America's Exchange Clubs; and

WHEREAS, Frank Segó, who is only the fourth Alabamian to become president of the National Exchange Club, was elected to this prestigious office at the organization's 75th Annual Convention in Detroit on July 11, 1986, and will officially assume the presidency on September 1, 1987, in Orlando, Florida; and

WHEREAS, a member of the Exchange Club of Montgomery since 1966, Mr. Segó served as president of his local club in 1970-71; he was elected president of the Alabama District Exchange Clubs in 1976 and, in 1980, to the National Board of Directors, serving an additional two-year term on the National Board by reelection in 1982; and

WHEREAS, Mr. Segó, continuing in national leadership, was elected vice president, East, in 1985, the office he held at the time of his August 1986 evaluation to president-elect; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in grateful acknowledgement of distinguished service to Exchange on the local, state and national levels, we hereby most highly commend Frank J. Segó of Montgomery, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-748

S.J.R. 63—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING JAMES H. PARSONS OF FLORENCE, ALABAMA.

WHEREAS, it is with a sense of great pride that the Legislature notes the recent retirement from the Department of Conservation and Natural Resources of James H. Parsons of Florence, Alabama; and

WHEREAS, hired on October 16, 1945, he was appointed in 1959 to Chief Enforcement Officer III; on March 1, 1962, he was promoted to District Supervisor, a position he held until his retirement on September 9, 1986; and

WHEREAS, Mr. Parsons' inquiring and astute mind, coupled with keen perception and a rare sense of values so necessary in his position, made his services particularly valuable; and

WHEREAS, during his term of service Mr. Parsons worked with diligence and unswerving loyalty to further the cause of conservation and as such has contributed greatly to the State; and

WHEREAS, he has exhibited throughout his career those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS, this body wishes to express its deepest appreciation to Mr. Parsons for his many contributions to our State and every best wish is extended to him for his long years of fruitful endeavor as well as for many years of enjoyable retirement which he so richly deserves; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and congratulate Mr. James H. Parsons of Florence upon his recent retirement and direct that a copy of this resolution be sent to him as evidence of our high esteem and warmest personal regard.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-749

S.J.R. 62—Senators Strong, Foshee, Bedford, Aldridge, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

WISHING JOHN TAYLOR HARPER A JOYOUS WELCOME HOME AND EXPRESSING GRATITUDE FOR HIS SAFE RETURN.

WHEREAS, as terrorism struck again with the recent hijacking, in Pakistan, of a Pan American 747 airliner, all Alabamians were greatly distressed to learn that John Taylor Harper of Conecuh County was among those being held hostage by four ruthless gunmen; and

WHEREAS, Mr. Harper, of the Brooklyn Community in eastern Conecuh County, is a graduate of Andalusia High School; he has worked, for the past three years, on an offshore drilling platform for an oil company, and was enroute home to Alabama at the time the hijacking occurred; and

WHEREAS, although Mr. Harper survived the ordeal and was not gravely injured as commandos stormed the plane at Karachi airport, he did receive shrapnel wounds in both legs that necessitated his hospitalization, thereby delaying his homecoming; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great joy that this body, on behalf of all Alabamians, extends a hearty welcome home to John Taylor Harper of Conecuh County.

BE IT FURTHER RESOLVED, That Mr. Harper receive a copy of this resolution that he and his family may know of the Legislature's happiness and deep gratitude for his safe return.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-750

S.J.R. 70—Senator B. Smith

SENATE JOINT RESOLUTION

COMMENDING MS. MARIE BUCHANAN UPON HER RETIREMENT FROM THE HUNTSVILLE BOARD OF REALTORS.

WHEREAS, the Alabama Legislature notes with interest the retirement of Ms. Marie Buchanan from the Huntsville Board of Realtors; and

WHEREAS, Ms. Buchanan began her career with the Huntsville Board of Realtors in 1967, in order to initiate a Multiple Listing Service; and

WHEREAS, Since such time in 1967, the Huntsville Board of Realtors has grown from 13 companies and 32 members to a membership approaching 1,000 members; and

WHEREAS, "Ms. Marie's" efficiency and her extremely positive attitude have contributed immeasurably to the growth, the success and the harmonious operation of the Huntsville Board of Realtors; and

WHEREAS, Ms. Marie, in her unassuming fashion, has blessed the many different presidents of the Huntsville Board of Realtors

by serving as their “sounding board,” confidant and advisor for the past 19 years; and

WHEREAS, Mr. Marie Buchanan is known not only for her business efficiency and acumen but is known as a “Super Wife,” “Super Mom” and a “Super Grandma” as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Ms. Marie Buchanan upon her retirement from the Huntsville Board of Realtors and extend to her our best wishes.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Ms. Marie Buchanan and her family.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-751

S.J.R. 71—Senators Strong, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CHARLES RENTZ, FORMER MARENGO COUNTY CIRCUIT CLERK.

WHEREAS, the Alabama Legislature was saddened to learn of the death of Charles Edward Rentz, of Marengo County, Alabama, at the age of 80; and

WHEREAS, Mr. Rentz was born December 23, 1905, without hands and without feet; and

WHEREAS, he lived by one Bible verse, “I can do all things through Christ which strengtheneth me”; and

WHEREAS, he was a life-long member of Camp Ground United Methodist Church, where he taught Sunday School for 35 consecutive years; and

WHEREAS, he retired after serving over thirty years as Marengo County Circuit Clerk and Register in 1977; and

WHEREAS, he was a devoted community builder who served his people with great love and dedication and will be long remembered and deeply missed by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Charles Rentz, and extend our sincere sympathy to his family.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to his wife, Wittie Carlisle Rentz, and to other family members that they may know of our shared sorrow in their great loss.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-752

S.J.R. 72—Senator Strong

SENATE JOINT RESOLUTION

COMMENDING THE DEMOPOLIS HIGH SCHOOL “TIGERS,” STATE CLASS 5A BASEBALL CHAMPIONS.

WHEREAS, it is with considerable pride that the Legislature of Alabama notes that the Demopolis High School “Tigers” Baseball Team recently earned their first Alabama High School Athletic Association Class 5A championship by defeating the Saks High School “Wildcats” in the best of three series play-offs; and

WHEREAS, this outstanding baseball team demonstrated baseball heroics usually reserved for baseball lore, including: coming from behind, heart-stopping grand slam homers, and their pitching with a full count for the last strikeout, cracked bats and power-hitting; and

WHEREAS, the pitchers, Robbie Malone and Rusty Cramer, executed their duties flawlessly; the entire team performed their assignments with great agility and skill; and under Coach Clifton McKnight, who “fine-tuned” their skills and contributed his expertise and management, the “Tigers” posted a 17-14 season record and brought the school its first 5A Championship Trophy; and

WHEREAS, the Demopolis "Tigers," Coach Clifton McKnight, the team, administrators and student body display commendable school spirit and sportsmanship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend the 1986 Demopolis High School "Tigers" Championship Baseball Team and Coach McKnight on their outstanding season.

RESOLVED FURTHER, That copies of this resolution be given to Coach McKnight, each team member and manager, as well as the school principal, so that they may know of our high praise and personal regards.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-753

S.J.R. 8—Senator Foshee

SENATE JOINT RESOLUTION

AMENDING ACT NO. 83-761, S.J.R. 256, REGULAR SESSION 1983 (ACTS, REGULAR SESSION 1983, P. 1306), RELATING TO THE ALABAMA OIL AND GAS STUDY COMMITTEE, SO AS TO PROVIDE FURTHER FOR THE MEMBERSHIP AND TERMS.

WHEREAS, the Alabama Oil and Gas Study Committee was created by Act No. 83-761, S.J.R. 256, Regular Session 1983 (Acts, Regular Session 1983, p. 1306), and was established as a permanent committee with legislative and non-legislative members and said committee was originally established as an interim rather than permanent committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the second resolving clause of Act No. 83-761, S.J.R. 256, Regular Session 1983 (Acts, Regular Session 1983, p. 1306), is hereby amended to read as follows:

"BE IT FURTHER RESOLVED, That the Committee shall be a permanent committee which shall continue from year to year until terminated by the manner in which it was created and that the Committee shall be composed of a total of ten (10) members, five (5) of which shall be appointed by the presiding officer of the Senate and five (5) of which shall be appointed by the Speaker of the House,

all of which appointments shall be made no sooner than January 1, 1984, and not later than 10 days following the commencement of the 1984 Regular Session of the Legislature. The non-legislative members shall serve until the expiration of the term of office of the appointing authority and the legislative members shall serve during their terms as legislators and until their successors are appointed. The membership of the Committee shall be constituted as follows: the presiding officer of the Senate shall appoint three (3) members of the Senate, and one (1) additional member from a list of three (3) nominees from among the membership of the Alabama-Mississippi Division of the Mid Continent Oil and Gas Association, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field; the presiding officer of the House shall appoint three (3) members of the House of Representatives, and one (1) additional member from a list of three (3) nominees from among the Alabama membership of the Alabama Petroleum Council, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field. The State Oil and Gas Supervisor and Commissioner of the Department of Conservation shall serve as ex officio, non-voting, advisory members of the Committee. The Committee shall meet within 10 days following the commencement of the 1984 Regular Session of the Legislature; whereupon the first order of business shall be to elect a chairman and vice chairman from among the appointed membership of the Committee. Any vacancy shall be filled in the same manner as the original appointment.

RESOLVED FURTHER, That all remaining resolving clauses of Act No. 83-761, S.J.R. 256, Regular Session 1983 (Acts 1983, p. 1306), shall continue in full force and effect.

RESOLVED FURTHER, That the chairman of the Committee, each member and the appointing authorities each shall receive a copy of this resolution.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-754

S.J.R. 94—Senator Teague and Goodwin

SENATE JOINT RESOLUTION

CLARIFYING AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO SENATE BILL 96 (OR HOUSE BILL 124).

WHEREAS, on September 22, 1986, the Legislature of Alabama enacted Senate Bill 96 (or House Bill 124) to transfer certain funds

and to provide for subsequent replenishment of the transferred funds; and

WHEREAS, Section 3 of said Bill provides for transfer of Fifteen Million Dollars (\$15,000,000) from Fund No. 305735 in the State Treasury during the fiscal year beginning October 1, 1986, and Section 4 of said Bill provides for replenishment of said Fund by appropriation of a like sum from the State General Fund to Fund No. 305735, such replenishment to be made during the fiscal year beginning October 1, 1987; and

WHEREAS, the funds presently held in Fund No. 305735 heretofore were appropriated to the State Highway Department and have been held in such Fund for the benefit of the State Highway Department;

NOW THEREFORE, WE, the Legislature of Alabama, both houses concurring, do hereby resolve, state and proclaim that our collective understanding and intent is that Fund No. 305735 is to continue to be held for the benefit of the State Highway Department and that the replenishment which is to inure to such Fund by reason of Section 4 of such Bill, and the Fund as to replenished, is to be held by the State Treasurer for the benefit of the State Highway Department.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-755

S.J.R. 34—Senator Bedford

SENATE JOINT RESOLUTION

NAMING PORTIONS OF COUNTY ROADS 21, 85 AND 80, IN FAYETTE COUNTY, ALABAMA, THE "MARVIN PRICE-BOY SCOUT ROAD."

WHEREAS, the late Marvin J. Price, a prominent and longtime resident of Fayette County, Alabama, was a dedicated public servant who was employed by the county for more than twenty-four years; and

WHEREAS, he also was active in numerous community affairs, but was most particularly involved with the Boy Scouts of America program in Fayette County; and

WHEREAS, in recognition of the many outstanding contributions of Marvin Price to his community and his many years of work

with the youth in the Boy Scouts program, it is both fitting and proper that his memory be appropriately perpetuated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and memory of Marvin J. Price of Fayette County, Alabama, we hereby name and designate that portion of County Road 21 from Alabama Highway 18, North to its junction with County Road 85; County Road 85 from County Road 21 to its junction with County Road 80; and that portion of County Road 80 from County Road 85, South to its junction with U.S. Highway 43, all in Fayette County, Alabama, the "Marvin Price-Boy Scout Road."

BE IT FURTHER RESOLVED, That the county officials of Fayette County, Alabama, are hereby authorized to erect and maintain appropriate signs and markers so designating said road, and that a copy of this resolution be provided for the family of the late Marvin J. Price.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-756

H.J.R. 105—Reps. McMillan and Penry

HOUSE JOINT RESOLUTION

COMMENDING THE BAY MINETTE WATER SYSTEM PERSONNEL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in highest commendation, extends congratulations to management and other personnel of the Bay Minette Water System on the plant's rating of "excellence" and subsequent award as the "Best Operated Plant" in Alabama among cities with 10,000 to 25,000 populations; and

WHEREAS, presentation of the award was made at the 41st Annual Short Course School for water and wastewater treatment plant operators, held August 25-27 on the University of Alabama Huntsville campus; and

WHEREAS, it is indeed a significant honor for the Bay Minette Water System to be recognized as the best in Alabama by the Alabama Water and Pollution Control Association and the Alabama Department of Environmental Management, sponsors of the annual event; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend the Bay Minette Water System on its recent prestigious award and direct that copies of this resolution be forwarded to Harry Still, Jr., superintendent of the city's utilities department; Earl Homan, supervisor; and to water system personnel, Darren Slaughter and David Curry, in appreciation of their outstanding performance of duty and in token of this body's highest regard.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-757

H.J.R. 110—Rep. Johnson (RG)

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. HENRY M. BEAN ON THE OCCASION OF THEIR 71ST WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 71st Wedding Anniversary, September 12, 1986, of Mr. and Mrs. Henry M. Bean of Delta, Alabama; and

WHEREAS, in the sight of God, Henry M. and Alma E. Bean were joined in wedlock on September 12, 1915, and these two fine people, forsaking all others, have remained in said Holy state for the past 71 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Henry and Alma Bean, who are 93 and 87 years young, respectively, are the parents of ten children—five sons and five daughters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in celebration of this milestone in their journey through life together, we join with family and friends to congratulate Mr. and Mrs. Henry M. Bean, of Delta, Alabama, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Bean that they may know of our congratulations and warm best wishes for the future.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-758

H.J.R. 44—Reps. Turner and Harper

HOUSE JOINT RESOLUTION

MOBILE COUNTY LEASH LAW, ACT NO. 84-480, H. 116, REGULAR SESSION, 1984, INTENT EXPRESSED.

WHEREAS, the Alabama Legislature enacted a leash law for Mobile County, at the request of the local constituents, by Act No. 84-480, H. 116, Regular Session, 1984 (Acts 1984, p. 1101); and

WHEREAS, certain persons have misinterpreted the intent of the law so as to interfere with hunting dogs wearing bona fide name plates, tags and properly licensed; and

WHEREAS, the Alabama legislature recognizes people of good will can inadvertently misinterpret laws, from time to time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislative intent of the said leash law of Mobile County, enacted by Act No. 84-480, H. 116, Regular Session, 1984 (Acts 1984, p. 1101), did not authorize any person to interfere with hunting dogs, wearing bona fide name plates and tags in the unincorporated areas of the county, properly licensed.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be distributed by the Mobile County Commission, at their cost, to each appropriate county or municipal officer or employee.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-759

H.J.R. 111—Rep. Faulk

HOUSE JOINT RESOLUTION

EXPRESSING APPRECIATION FOR THE UNPARALLELED GENEROSITY OF A NATIONWIDE RESPONSE TO THE DROUGHT CRISIS IN THE STATE OF ALABAMA.

WHEREAS, thus far in 1986, Alabama farmers and livestock growers have suffered the disastrous effects of the most severe and prolonged drought in more than a century; and

WHEREAS, as rainless skies and relentless heat continued without let-up, the drought of '86 reached tragic proportions; parched crops withered and died in the fields, and our cattle farmers were faced with rapidly dwindling supplies of hay and feed for their livestock; and

WHEREAS, when attention was focused on Alabama, however, as one of the most severely drought-stricken states in the union, a ground swell of empathy arose within farm communities throughout America; and

WHEREAS, it was then that fellow farmers from the Midwest and other states began shipping hay to be distributed to those Alabama farmers so greatly suffering the devastation of a modern-day Dust Bowl; and

WHEREAS, certain people in the several states which responded to the needs of Alabama farmers went far beyond the normal call of duty and their respective responsibilities, as they coordinated receipt, loading and shipment of forage to farmers in Alabama; and

WHEREAS, such an overwhelming response brings to mind and is symbolic of the spirit and generosity displayed by our pioneer forebears when neighbors helped neighbors in their time of need to accomplish, through joint efforts, what could not be accomplished alone; and

WHEREAS, these emergency feed supplies have indeed served as a temporary stay of herd liquidation for numerous of our state's cattle and dairy farmers and we are deeply grateful for the generosity of other farmers countrywide; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of sincere sentiment, the Legislature of Alabama hereby acknowledges the appreciation of all Alabama citizens, most particularly those of our farm community, for the generous response by fellow Americans to the drought-related crisis that exists in our state, and more specifically to those many individuals who gave their time, hay and other resources to make the hay program the great success it was.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for distribution to all those states whose citizens have participated in an unparalleled effort to provide much-needed assistance to the State of Alabama.

Approved October 2, 1986

Time: 3:00 P.M.

Act No. 86-760

H.J.R. 47—Rep. Buskey (JL)

HOUSE JOINT RESOLUTION

COMMENDING MONTGOMERY'S ST. MARGARET'S HOSPITAL AND EXPRESSING THE LEGISLATURE'S APPRECIATION TO ITS ADMINISTRATORS AND STAFF.

WHEREAS, St. Margaret's Hospital in Montgomery, Alabama, is widely known as "the hospital with heart in the heart of Central Alabama"; and

WHEREAS, a shining example of St. Margaret's generosity in serving the public is the establishment of a Capitol complex health service station that is housed in the Alabama State House; and

WHEREAS, Health Services, which has been in operation since June 1986, is directed by Ms. Yvonne Naile, a Registered Nurse whose competence and long years of experience combine to instill great confidence in her ability in all those in need of her professional care; and

WHEREAS, this generous act on the part of St. Margaret's is indeed an outstanding illustration of the distinguished and dedicated services rendered by the health care profession in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend St. Margaret's Hospital in Montgomery, Alabama, for outstanding professional and public service, and we further express our sincere gratitude for the health care service they are providing Alabama's state employees and officials.

BE IT FURTHER RESOLVED, That in token of our sincere appreciation and regard, a copy of this resolution shall be forwarded to Sister Aurelia of St. Margaret's Hospital, Montgomery, Alabama, with a copy also provided for Ms. Yvonne Naile.

Approved October 2, 1986

Time: 3:00 P.M.

SUBJECT INDEX

1ST SPECIAL SESSION 1986

INDEX TO ACTS

EXPLANATORY NOTE—A short descriptive summary of each act is filed under various key words. You are encouraged to scan all entries under a key word for the act you seek. The number to the right of the summary is the page upon which the act may be found in the Acts of Alabama.

Resolutions are divided into four subtopics: Congratulatory, Condolence, Designation and Legislative.

ACTS AMENDED

1936 1st Sp. Sess., Act 176, Jefferson Co., Bd. of Equalization auth. to notify prop. owners of assessed value by mail—Act 86- 708, 1986 1st Sp. Sess., S. 31	119
1959 Reg. Sess., Act 212, Dale Co., coroner, salary incr.—Act 86- 698, 1986 1st Sp. Sess., S. 86	105
1965 Reg. Sess., Act 497, Jefferson Co., cert. terms defined, pension bd. auth. to re-open for former membs. to rejoin as new membs.— Act 86-706, 1986 1st Sp. Sess., S. 27	116
1982 Reg. Sess., Act 82-88, Jefferson Co., planning commission, appt. of membs. reg.—Act 86-705, 1986 1st Sp. Sess., S. 26	114
1983 Reg. Sess., Act 83-761, Oil and Gas Study Committee, mem- bership, terms—Act 86-753, 1986 1st Sp. Sess., SJR 8	188

ACTS AND JOURNALS

Acts and Journals, number of copies printed and delivered reduced, Sec. 41-4-150 am'd.—Act 86-711, 1986 1st Sp. Sess., H. 39	125
Highway Dept. Contingency Fund and State Insurance Fund, trans- fer of money from to other st. functions, legis. intent expressed re replenishing Highway Fund—Act 86-754, 1986 1st Sp. Sess., SJR 94	189
Macon Co., co. comm. chairman, election of, legis. intent ex- pressed—Act 86-674, 1986 1st Sp. Sess., HJR 84	69
Mobile Co., leash law, legis. intent expressed—Act 86-758, 1986 1st Sp. Sess., HJR 44	193

Randolph Co., referendum re system for construction and maintenance of co. roads, legis. intent expressed—Act 86-675, 1986 1st Sp. Sess., HJR 79	69
AD VALOREM TAX (See also TAXATION)	
Dog race tracks, cert. tax exemptions removed—Act 86-647, 1986 1st Sp. Sess., H. 64	29
Fairfield, ad valorem tax for schools, governing body auth. to levy, referendum—Act 86-707, 1986 1st Sp. Sess., S. 28	118
Jefferson Co., Bd. of Equalization auth. to notify prop. owners of assessed value by mail, Act 176, 1st Sp. Sess. 1936 am'd.—Act 86-708, 1986 1st Sp. Sess., S. 31	119
Mobile Co., ad valorem tax revenues, cert. portion allocated to Bd. of Health—Act 86-696, 1986 1st Sp. Sess., S. 110	103
AGRICULTURAL AFFAIRS	
Agriculture Development Authority, low interest loans to farmers, cert. terms replaced and defined, refinancing indebtedness auth., Secs. 2-3A-2, 2-3A-7 am'd.—Act 86-725, 1986 1st Sp. Sess., H. 126	157
Drought crisis in Alabama, appreciation expressed re nationwide response—Act 86-759, 1986 1st Sp. Sess., HJR 111	193
Mobile Co., auth. issue bonds to improve land used by the Navy, industrial and agricultural facilities, courthouse, jail, consti. amend.—Act 86-627, 1986 1st Sp. Sess., H. 48	4
Motor vehicle license classification, farm and forest products trucks and tractors weight classification and license cost modified for climatic conditions, Sec. 40-12-248 am'd.—Act 86-687, 1986 1st Sp. Sess., S. 37	83
Secretary of State, approp. to implement farm product liens central filing system, Farm Crisis and Transition Program and Commission, approp.—Act 86-681, 1986 1st Sp. Sess., H. 58	75
AGRICULTURAL DEVELOPMENT AUTHORITY	
Agriculture Development Authority, low interest loans to farmers, cert. terms replaced and defined, refinancing indebtedness auth., Secs. 2-3A-2, 2-3A-7 am'd.—Act 86-725, 1986 1st Sp. Sess., H. 126	157
ALABAMA INSTITUTE FOR DEAF AND BLIND	
Alabama Inst. for Deaf and Blind employees auth. to participate in health insurance benefits provided for public ed. employees, Sec. 16-25A-1 am'd.—Act 86-697, 1986 1st Sp. Sess., S. 103	103
Alabama Institute for Deaf and Blind, commended—Act 86-654, 1986 1st Sp. Sess., SJR 20	37

ALCOHOLIC BEVERAGES

Alcoholic beverages, possession by cert. persons with military status reg.—Act 86-648, 1986 1st Sp. Sess., H. 132	29
Dog race tracks, cert. tax exemptions removed—Act 86-647, 1986 1st Sp. Sess., H. 64	29

AMERICAN CANDY COMPANY

American Candy Company, commended—Act 86-665, 1986 1st Sp. Sess., HJR 67	57
---	----

ANNEXATION (See BOUNDARIES)

APPROPRIATIONS

Highway Dept. Contingency Fund and State Insurance Fund, trans- fer of money from to other st. functions, legis. intent expressed re replenishing Highway Fund—Act 86-754, 1986 1st Sp. Sess., SJR 94	189
Secretary of State, approp. to implement farm product liens central filing system, Farm Crisis and Transition Program and Com- mission, approp.—Act 86-681, 1986 1st Sp. Sess., H. 58	75
State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124	26

ATHENS, CITY OF

Athens, corp. limits alt.—Act 86-659, 1986 1st Sp. Sess., H. 9	46
---	----

AUTHORITIES

Municipal fire, water, sewer, waste disposal authorities, directors not req. to reside in appointing mun., Sec. 11-88-6 am'd.—Act 86-717, 1986 1st Sp. Sess., H. 102	135
Tuscaloosa Co., fire district, procedure to estab., bd. membs., duties, powers, auth. to levy cert. fees—Act 86-656, 1986 1st Sp. Sess., H. 12	39

AUTOMOBILES (See MOTOR VEHICLES)

BALDWIN COUNTY BLUE GRASS HALL OF FAME

Baldwin Co., Blue Grass Hall of Fame, named—Act 86-733, 1986 1st Sp. Sess., SJR 103	168
--	-----

BANKS AND BANKING (See LOANS)

BAY MINETTE WATER SYSTEM

Bay Minette Water System, commended—Act 86-756, 1986 1st Sp. Sess., HJR 105	191
--	-----

BEAN, MR. AND MRS. HENRY M.

Bean, Mr. and Mrs. Henry M., commended—Act 86-757, 1986 1st Sp. Sess., HJR 110 192

BEECH, O.D.

Dan Beech Road, portion of Washington Co. Road 28, named—Act 86-668, 1986 1st Sp. Sess., HJR 46 62

BELL, CHRISTINA ANN

Bell, Christina Ann, commended—Act 86-663, 1986 1st Sp. Sess., HJR 70 54

BOARD OF EDUCATION, CITY (See also EDUCATION)

Refunding warrants issued by local bds. of ed., amt. auth. to be issued reg., Sec. 16-13-72 am'd.—Act 86-652, 1986 1st Sp. Sess., S. 6 35

School warrants secured by sp. co. or dist. taxes, amt. auth. to be issued reg., Sec. 16-13-90 am'd.—Act 86-650, 1986 1st Sp. Sess., S. 7 33

BOARD OF EDUCATION, COUNTY (See also EDUCATION)

Refunding warrants issued by local bds. of ed., amt. auth. to be issued reg., Sec. 16-13-72 am'd.—Act 86-652, 1986 1st Sp. Sess., S. 6 35

School warrants secured by sp. co. or dist. taxes, amt. auth. to be issued reg., Sec. 16-13-90 am'd.—Act 86-650, 1986 1st Sp. Sess., S. 7 33

BOARD OF EQUALIZATION

Jefferson Co., Bd. of Equalization auth. to notify prop. owners of assessed value by mail, Act 176, 1st Sp. Sess. 1936 am'd.—Act 86-708, 1986 1st Sp. Sess., S. 31 119

BONDS

Child support, obligor may be required to post bond by any court to secure overdue payment—Act 86-699, 1986 1st Sp. Sess., S. 71 105

District courts, appeal procedures in criminal and civil cases reg., bonding requirements, dismissal, commitment, Sec. 12-12-70 am'd.—Act 86-723, 1986 1st Sp. Sess., H. 33 146

Mobile Co., auth. issue bonds to improve land used by the Navy, industrial and agricultural facilities, courthouse, jail, consti. amend.—Act 86-627, 1986 1st Sp. Sess., H. 48 4

Municipal interest bearing warrants, maximum maturity date alt., alter what revenues may be pledged to secure said warrants, Sec. 11-47-2 am'd.—Act 86-712, 1986 1st Sp. Sess., H. 27 126

Probate judges, amt. of official bond req. alt., Sec. 12-13-33 am'd.— Act 86-682, 1986 1st Sp. Sess., H. 46	76
Refunding warrants issued by local bds. of ed., amt. auth. to be issued reg., Sec. 16-13-72 am'd.—Act 86-652, 1986 1st Sp. Sess., S. 6	35
School warrants secured by sp. co. or dist. taxes, amt. auth. to be issued reg., Sec. 16-13-90 am'd.—Act 86-650, 1986 1st Sp. Sess., S. 7	33
BOUNDARIES	
Athens, corp. limits alt.—Act 86-659, 1986 1st Sp. Sess., H. 9	46
Brewton, corp. limits alt.—Act 86-720, 1986 1st Sp. Sess., H. 6	143
Phil Campbell, corp. limits alt.—Act 86-692, 1986 1st Sp. Sess., H. 125	97
BREWTON, CITY OF	
Brewton, corp. limits alt.—Act 86-720, 1986 1st Sp. Sess., H. 6	143
BUCHANAN, MARIE	
Buchanan, Marie, commended—Act 86-750, 1986 1st Sp. Sess., SJR 70	185
BUSH HOG IMPLEMENTS	
Bush Hog Implements, commended—Act 86-735, 1986 1st Sp. Sess., SJR 7	170
BUSINESS AND COMMERCE	
Agriculture Development Authority, low interest loans to farmers, cert. terms replaced and defined, refinancing indebtedness auth., Secs. 2-3A-2, 2-3A-7 am'd.—Act 86-725, 1986 1st Sp. Sess., H. 126	157
Mobile Co., auth. issue bonds to improve land used by the Navy, industrial and agricultural facilities, courthouse, jail, consti. amend.—Act 86-627, 1986 1st Sp. Sess., H. 48	4
Sales Tax Law, cert. terms further defined, Sec. 40-23-1 am'd.— Act 86-689, 1986 1st Sp. Sess., H. 61	87
State park concession contracts, exemption from competitive bid req. for cert. short-term concession operations, Sec. 9-14-29 am'd.—Act 86-715, 1986 1st Sp. Sess., H. 15	131
Use Tax Law, cert. terms further defined, Sec. 40-23-60 am'd.— Act 86-690, 1986 1st Sp. Sess., H. 62	93
CALLAHAN, ANGELA	
Callahan, Angela, commended—Act 86-734, 1986 1st Sp. Sess., SJR 6	168

CAREER INCENTIVE PROGRAM ACT

Teachers' Career Incentive Program, Phase II delayed for one yr., Secs. 16-24A-5, 16-24A-7, 16-24A-8, 16-24A-9, 16-24A-10, 16- 24A-12, 16-24A-21, 16-24A-26 am'd.—Act 86-724, 1986 1st Sp. Sess., H. 109	148
---	-----

CERTIFICATE OF NEED

Medical facilities, certificate of need application fees incr., Sec. 22-21-271 am'd.—Act 86-688, 1986 1st Sp. Sess., S. 25	86
---	----

CHILD CARE

Child day care, Governor—Legislative Task force, estab.—Act 86- 672, 1986 1st Sp. Sess., HJR 89	65
--	----

CHILD SUPPORT

Child support, obligor may be required to post bond by any court to secure overdue payment—Act 86-699, 1986 1st Sp. Sess., S. 71	105
--	-----

Human Resources Dept., assignment of rt. to support owed to children receiving foster care, dept. auth. to bring action to enforce, collection and distrib. reg.—Act 86-686, 1986 1st Sp. Sess., S. 69	81
---	----

Human Resources Dept., child support and spousal support pro- grams reg., assignment, collection and distrib. of orders of sup- port, income withholding, Secs. 38-10-2 thru 38-10-9 am'd.— Act 86-709, 1986 1st Sp. Sess., S. 68	120
--	-----

CHILDREN (See also JUVENILES)

Child day care, Governor—Legislative Task force, estab.—Act 86- 672, 1986 1st Sp. Sess., HJR 89	65
--	----

Child support, obligor may be required to post bond by any court to secure overdue payment—Act 86-699, 1986 1st Sp. Sess., S. 71	105
--	-----

Human Resources Dept., assignment of rt. to support owed to children receiving foster care, dept. auth. to bring action to enforce, collection and distrib. reg.—Act 86-686, 1986 1st Sp. Sess., S. 69	81
---	----

Human Resources Dept., child support and spousal support pro- grams reg., assignment, collection and distrib. of orders of sup- port, income withholding, Secs. 38-10-2 thru 38-10-9 am'd.— Act 86-709, 1986 1st Sp. Sess., S. 68	120
--	-----

CHOCTAW COUNTY

Choctaw Co., poll workers, comp.—Act 86-658, 1986 1st Sp. Sess., H. 54	46
---	----

CIGARETTE TAX

Coffee Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-718, 1986 1st Sp. Sess., H. 73	137
Dale Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-695, 1986 1st Sp. Sess., S. 106	100

CITIES (See MUNICIPALITIES)

CITY COMMISSIONS (See GOVERNING BODY, CITY)

CITY COUNCIL (See GOVERNING BODY, CITY)

CIVIL PROCEDURE

Child support, obligor may be required to post bond by any court to secure overdue payment—Act 86-699, 1986 1st Sp. Sess., S. 71	105
District courts, appeal procedures in criminal and civil cases reg., bonding requirements, dismissal, commitment, Sec. 12-12-70 am'd.—Act 86-723, 1986 1st Sp. Sess., H. 33	146
Human Resources Dept., assignment of rt. to support owed to children receiving foster care, dept. auth. to bring action to enforce, collection and distrib. reg.—Act 86-686, 1986 1st Sp. Sess., S. 69	81
Human Resources Dept., child support and spousal support programs reg., assignment, collection and distrib. of orders of support, income withholding, Secs. 38-10-2 thru 38-10-9 am'd.—Act 86-709, 1986 1st Sp. Sess., S. 68	120
Uniform Enforcement of Foreign Judgments Act, adopted—Act 86-713, 1986 1st Sp. Sess., H. 25	127

CIVIL SERVICE SYSTEMS

State employees suggestion award program, non-merit system employees auth. to participate, Sec. 36-1-7 am'd.—Act 86-700, 1986 1st Sp. Sess., S. 90	106
--	-----

CODE AMENDED

Secs. 2-3A-2, 2-3A-7, Agriculture Development Authority, low interest loans to farmers, cert. terms replaced and defined, refinancing indebtedness auth.—Act 86-725, 1986 1st Sp. Sess., H. 126	157
Sec. 8-17-91, Petroleum inspection fees, state treasurer to make distrib.—Act 86-716, 1986 1st Sp. Sess., H. 114	132
Secs. 9-11-55, 9-11-56, Non-resident annual and trip fishing licenses, age, activities auth., application reg., waters applicable, fees incr., reciprocal fees, exceptions, disposition of fees, penalties—Act 86-649, 1986 1st Sp. Sess., S. 11	31
Sec. 9-14-29, State park concession contracts, exemption from competitive bid req. for cert. short-term concession operations—Act 86-715, 1986 1st Sp. Sess., H. 15	131

Sec. 11-47-2, Municipal interest bearing warrants, maximum maturity date alt., alter what revenues may be pledged to secure said warrants—Act 86-712, 1986 1st Sp. Sess., H. 27	126
Sec. 11-88-6, Municipal fire, water, sewer, waste disposal authorities, directors not req. to reside in appointing mun.—Act 86-717, 1986 1st Sp. Sess., H. 102	135
Sec. 12-12-70, District courts, appeal procedures in criminal and civil cases reg., bonding requirements, dismissal, commitment—Act 86-723, 1986 1st Sp. Sess., H. 33	146
Sec. 12-13-33, Probate judges, amt. of official bond req. alt.—Act 86-682, 1986 1st Sp. Sess., H. 46	76
Sec. 15-22-2, Parolees and probationers, contribs. req. to pay for own supervision incr.—Act 86-704, 1986 1st Sp. Sess., S. 18 ...	113
Sec. 16-13-72, Refunding warrants issued by local bds. of ed., amt. auth. to be issued reg.—Act 86-652, 1986 1st Sp. Sess., S. 6 ...	35
Sec. 16-13-90, School warrants secured by sp. co. or dist. taxes, amt. auth. to be issued reg.—Act 86-650, 1986 1st Sp. Sess., S. 7	33
Secs. 16-24A-5, 16-24A-7, 16-24A-8, 16-24A-9, 16-24A-10, 16-24A-12, 16-24A-21, 16-24A-26, Teachers' Career Incentive Program, Phase II delayed for one yr.—Act 86-724, 1986 1st Sp. Sess., H. 109	148
Sec. 16-25A-1, Alabama Inst. for Deaf and Blind employees auth. to participate in health insurance benefits provided for public ed. employees—Act 86-697, 1986 1st Sp. Sess., S. 103	103
Sec. 22-21-271, Medical facilities, certificate of need application fees incr.—Act 86-688, 1986 1st Sp. Sess., S. 25	86
Sec. 36-1-7, State employees suggestion award program, non-merit system employees auth. to participate—Act 86-700, 1986 1st Sp. Sess., S. 90	106
Secs. 36-27A-1, 36-27A-2, 36-27A-3, 36-27A-6, State Retirement System, auth. to provide any tax deferred savings plan auth. by federal gov't. for public employees covered by a mandatory public pension plan—Act 86-685, 1986 1st Sp. Sess., S. 53	80
Secs. 38-10-2 thru 38-10-9, Human Resources Dept., child support and spousal support programs reg., assignment, collection and distrib. of orders of support, income withholding—Act 86-709, 1986 1st Sp. Sess., S. 68	120
Sec. 38-28-5, Social Security, interest on delinquent payments due the st. by cert. political subdivisions incr.—Act 86-710, 1986 1st Sp. Sess., H. 45	125
Sec. 40-6-1, Supernumerary tax assessors, tax collectors, license commissioners and revenue commissioners, qualifications alt.—Act 86-684, 1986 1st Sp. Sess., S. 2	78

Sec. 40-12-248, Motor vehicle license classification, farm and forest products trucks and tractors weight classification and license cost modified for climatic conditions—Act 86-687, 1986 1st Sp. Sess., S. 37	83
Sec. 40-23-1, Sales Tax Law, cert. terms further defined—Act 86-689, 1986 1st Sp. Sess., H. 61	87
Sec. 40-23-60, Use Tax Law, cert. terms further defined—Act 86-690, 1986 1st Sp. Sess., H. 62	93
Sec. 41-4-150, Acts and Journals, number of copies printed and delivered reduced—Act 86-711, 1986 1st Sp. Sess., H. 39	125
Sec. 41-9-621, Criminal Justice Information Center, director auth. to appt. employees as law enforcement officers to enforce laws re system—Act 86-714, 1986 1st Sp. Sess., H. 2	129
COFFEE COUNTY	
Coffee Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-718, 1986 1st Sp. Sess., H. 73	137
COMPENSATION	
24th Jud. Cir. (Fayette, Lamar, Pickens Cos.), dist. atty., exp. allow.—Act 86-691, 1986 1st Sp. Sess., H. 123	96
Choctaw Co., poll workers, comp.—Act 86-658, 1986 1st Sp. Sess., H. 54	46
Dale Co., coroner, salary incr., Act 212, Reg. Sess. 1959 am'd.—Act 86-698, 1986 1st Sp. Sess., S. 86	105
Fayette Co., election officials, comp.—Act 86-702, 1986 1st Sp. Sess., S. 95	109
Jackson Co., coroner and deputies, comp.—Act 86-630, 1986 1st Sp. Sess., H. 47	11
Lauderdale Co., supernumerary tax assessor and tax collector, comp.—Act 86-651, 1986 1st Sp. Sess., S. 1	34
Russell Co., sheriff, comp.—Act 86-657, 1986 1st Sp. Sess., H. 16	45
COMPETITIVE BIDS	
State park concession contracts, exemption from competitive bid req. for cert. short-term concession operations, Sec. 9-14-29 am'd.—Act 86-715, 1986 1st Sp. Sess., H. 15	131
CONSTITUTIONAL AMENDMENTS	
Mobile Co., auth. issue bonds to improve land used by the Navy, industrial and agricultural facilities, courthouse, jail, consti. amend.—Act 86-627, 1986 1st Sp. Sess., H. 48	4
Tuscaloosa Co., election date for consti. amend. levying cert. school taxes alt.—Act 86-646, 1986 1st Sp. Sess., SJR 93	28

CONTRACTS

- State park concession contracts, exemption from competitive bid req. for cert. short-term concession operations, Sec. 9-14-29 am'd.—Act 86-715, 1986 1st Sp. Sess., H. 15 131

CORONERS

- Dale Co., coroner, salary incr., Act 212, Reg Sess. 1959 am'd.—Act 86-698, 1986 1st Sp. Sess., S. 86 105
- Jackson Co., coroner and deputies, comp.—Act 86-630, 1986 1st Sp. Sess., H. 47 11

CORPORATIONS (See BUSINESS AND COMMERCE)

COUNTIES

- Social Security, interest on delinquent payments due the st. by cert. political subdivisions incr., Sec. 38-28-5 am'd.—Act 86-710, 1986 1st Sp. Sess., H. 45 125

COUNTY COMMISSIONS

- Covington Co., sales tax, co. comm. auth. to levy, distrib.—Act 86-703, 1986 1st Sp. Sess., S. 17 109
- Dale Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-695, 1986 1st Sp. Sess., S. 106 100
- Escambia Co., co. comm. chairman to serve full-time, election reg.—Act 86-722, 1986 1st Sp. Sess., H. 5 146
- Escambia Co., co. comm. to hold referendum re redistricting co. comm., co. comm. bound by results—Act 86-721, 1986 1st Sp. Sess., H. 4 145
- Jackson Co., co. comm. auth. to set fee schedules re issuance of licenses and tags by mail—Act 86-693, 1986 1st Sp. Sess., H. 147 98
- Macon Co., co. comm. chairman, election of, legis. intent expressed—Act 86-674, 1986 1st Sp. Sess., HJR 84 69

COURT, CIRCUIT

- District courts, appeal procedures in criminal and civil cases reg., bonding requirements, dismissal, commitment, Sec. 12-12-70 am'd.—Act 86-723, 1986 1st Sp. Sess., H. 33 146

COURT, DISTRICT

- District courts, appeal procedures in criminal and civil cases reg., bonding requirements, dismissal, commitment, Sec. 12-12-70 am'd.—Act 86-723, 1986 1st Sp. Sess., H. 33 146

COVINGTON COUNTY

- Covington Co., sales tax, co. comm. auth. to levy, distrib.—Act 86-703, 1986 1st Sp. Sess., S. 17 109

CRIMES AND OFFENSES (See also CRIMINAL PROCEDURE)

Alcoholic beverages, possession by cert. persons with military status reg.—Act 86-648, 1986 1st Sp. Sess., H. 132	29
Criminal Justice Information Center, director auth. to appt. employees as law enforcement officers to enforce laws re system, Sec. 41-9-621 am'd.—Act 86-714, 1986 1st Sp. Sess., H. 2	129
District courts, appeal procedures in criminal and civil cases reg., bonding requirements, dismissal, commitment, Sec. 12-12-70 am'd.—Act 86-723, 1986 1st Sp. Sess., H. 33	146
Parolees and probationers, contribs. req. to pay for own supervision incr., Sec. 15-22-2 am'd.—Act 86-704, 1986 1st Sp. Sess., S. 18	113

CRIMINAL JUSTICE INFORMATION CENTER

Criminal Justice Information Center, director auth. to appt. employees as law enforcement officers to enforce laws re system, Sec. 41-9-621 am'd.—Act 86-714, 1986 1st Sp. Sess., H. 2	129
--	-----

CRIMINAL PROCEDURE (See also CRIMES AND OFFENSES)

District courts, appeal procedures in criminal and civil cases reg., bonding requirements, dismissal, commitment, Sec. 12-12-70 am'd.—Act 86-723, 1986 1st Sp. Sess., H. 33	146
Parolees and probationers, contribs. req. to pay for own supervision incr., Sec. 15-22-2 am'd.—Act 86-704, 1986 1st Sp. Sess., S. 18	113

CROOKS, C. THOMAS, III

Crooks, C. Thomas, III, commended—Act 86-638, 1986 1st Sp. Sess., HJR 45	19
--	----

DALE COUNTY

Dale Co., coroner, salary incr., Act 212, Reg. Sess. 1959 am'd.—Act 86-698, 1986 1st Sp. Sess., S. 86	105
Dale Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-695, 1986 1st Sp. Sess., S. 106	100

DAY CARE

Child day care, Governor—Legislative Task force, estab.—Act 86-672, 1986 1st Sp. Sess., HJR 89	65
--	----

DEARMAN, WILBUR E.

Dearman, Wilbur E., death mourned—Act 86-660, 1986 1st Sp. Sess., HJR 74	51
--	----

DEMOPOLIS ACADEMY

Demopolis Academy baseball team, commended—Act 86-727, 1986 1st Sp. Sess., SJR 83	162
---	-----

DEMOPOLIS HIGH SCHOOL

- Demopolis High School baseball team, commended—Act 86-752,
1986 1st Sp. Sess., SJR 72 187

DISTRICT ATTORNEYS

- 24th Jud. Cir. (Fayette, Lamar, Pickens Cos.), dist. atty., exp.
allow.—Act 86-691, 1986 1st Sp. Sess., H. 123 96

DOCKS AND HARBORS

- Mobile Co., auth. issue bonds to improve land used by the Navy,
industrial and agricultural facilities, courthouse, jail, consti.
amend.—Act 86-627, 1986 1st Sp. Sess., H. 48 4

DOG TRACKS

- Dog race tracks, cert. tax exemptions removed—Act 86-647, 1986
1st Sp. Sess., H. 64 29

DOGS

- Mobile Co., leash law, legis. intent expressed—Act 86-758, 1986
1st Sp. Sess., HJR 44 193

DROUGHT CRISIS IN ALABAMA

- Drought crisis in Alabama, appreciation expressed re nationwide
response—Act 86-759, 1986 1st Sp. Sess., HJR 111 193

EDUCATION (See also BOARD OF EDUCATION, SCHOOLS,
TEACHERS)

- Alabama Inst. for Deaf and Blind employees auth. to participate
in health insurance benefits provided for public ed. employees,
Sec. 16-25A-1 am'd.—Act 86-697, 1986 1st Sp. Sess., S. 103 103

- Fairfield, ad valorem tax for schools, governing body auth. to levy,
referendum—Act 86-707, 1986 1st Sp. Sess., S. 28 118

- Refunding warrants issued by local bds. of ed., amt. auth. to be
issued reg., Sec. 16-13-72 am'd.—Act 86-652, 1986 1st Sp. Sess.,
S. 6 35

- School warrants secured by sp. co. or dist. taxes, amt. auth. to be
issued reg., Sec. 16-13-90 am'd.—Act 86-650, 1986 1st Sp. Sess.,
S. 7 33

- Teachers' Career Incentive Program, Phase II delayed for one yr.,
Secs. 16-24A-5, 16-24A-7, 16-24A-8, 16-24A-9, 16-24A-10, 16-
24A-12, 16-24A-21, 16-24A-26 am'd.—Act 86-724, 1986 1st Sp.
Sess., H. 109 148

EDUCATION DEPARTMENT

- Teachers' Career Incentive Program, Phase II delayed for one yr.,
Secs. 16-24A-5, 16-24A-7, 16-24A-8, 16-24A-9, 16-24A-10, 16-
24A-12, 16-24A-21, 16-24A-26 am'd.—Act 86-724, 1986 1st Sp.
Sess., H. 109 148

ELECTIONS (See also REFERENDUMS)

Choctaw Co., poll workers, comp.—Act 86-658, 1986 1st Sp. Sess., H. 54	46
Escambia Co., co. comm. chairman to serve full-time, election reg.—Act 86-722, 1986 1st Sp. Sess., H. 5	146
Fayette Co., election officials, comp.—Act 86-702, 1986 1st Sp. Sess., S. 95	109
Macon Co., co. comm. chairman, election of, legis. intent ex- pressed—Act 86-674, 1986 1st Sp. Sess., HJR 84	69
Tuscaloosa Co., election date for consti. amend. levying cert. school taxes alt.—Act 86-646, 1986 1st Sp. Sess., SJR 93	28
Tuscaloosa Co., fire district, procedure to estab., bd. membs., duties, powers, auth. to levy cert. fees—Act 86-656, 1986 1st Sp. Sess., H. 12	39

EMPLOYEES RETIREMENT SYSTEM

Randolph Co., co. employees who are membs. of employee retire- ment system, prior credit for cert. membs. auth.—Act 86-629, 1986 1st Sp. Sess., H. 31	10
Randolph Co., co. employees who are membs. of employee retire- ment system, prior credit for cert. membs. auth.—Act 86-701, 1986 1st Sp. Sess., S. 92	108
State Retirement System, auth. to provide any tax deferred savings plan auth. by federal gov't. for public employees covered by a mandatory public pension plan, Secs. 36-27A-1, 36-27A-2, 36- 27A-3, 36-27A-6 am'd.—Act 86-685, 1986 1st Sp. Sess., S. 53	80

ESCAMBIA COUNTY

Brewton, corp. limits alt.—Act 86-720, 1986 1st Sp. Sess., H. 6	143
Escambia Co., co. comm. chairman to serve full-time, election reg.—Act 86-722, 1986 1st Sp. Sess., H. 5	146
Escambia Co., co. comm. to hold referendum re redistricting co. comm., co. comm. bound by results—Act 86-721, 1986 1st Sp. Sess., H. 4	145
Escambia Co., legis. delegation office estab.—Act 86-719, 1986 1st Sp. Sess., H. 8	142

EX-PRISONERS-OF-WAR

Ex-Prisoners-of-War, honored—Act 86-680, 1986 1st Sp. Sess., HJR 96	75
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FAIRFIELD, CITY OF

Fairfield, ad valorem tax for schools, governing body auth. to levy, referendum—Act 86-707, 1986 1st Sp. Sess., S. 28	118
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FAMILY LAW

- Child support, obligor may be required to post bond by any court to secure overdue payment—Act 86-699, 1986 1st Sp. Sess., S. 71 105
- Human Resources Dept., assignment of rt. to support owed to children receiving foster care, dept. auth. to bring action to enforce, collection and distrib. reg.—Act 86-686, 1986 1st Sp. Sess., S. 69 81
- Human Resources Dept., child support and spousal support programs reg., assignment, collection and distrib. of orders of support, income withholding, Secs. 38-10-2 thru 38-10-9 am'd.—Act 86-709, 1986 1st Sp. Sess., S. 68 120

FARM CRISIS TRANSITION

- Secretary of State, approp. to implement farm product liens central filing system, Farm Crisis and Transition Program and Commission, approp.—Act 86-681, 1986 1st Sp. Sess., H. 58 75

FARMERS (See AGRICULTURAL AFFAIRS)

FAYETTE COUNTY

- 24th Jud. Cir. (Fayette, Lamar, Pickens Cos.), dist. atty., exp. allow.—Act 86-691, 1986 1st Sp. Sess., H. 123 96
- Fayette Co., election officials, comp.—Act 86-702, 1986 1st Sp. Sess., S. 95 109

FEARS, DAVIS ANDREW

- Fears, Davis Andrew, commended—Act 86-671, 1986 1st Sp. Sess., HJR 81 64

FIRE PROTECTION

- Municipal fire, water, sewer, waste disposal authorities, directors not req. to reside in appointing mun., Sec. 11-88-6 am'd.—Act 86-717, 1986 1st Sp. Sess., H. 102 135
- Tuscaloosa Co., fire district, procedure to estab., bd. membs., duties, powers, auth. to levy cert. fees—Act 86-656, 1986 1st Sp. Sess., H. 12 39

FORESTS

- Motor vehicle license classification, farm and forest products trucks and tractors weight classification and license cost modified for climatic conditions, Sec. 40-12-248 am'd.—Act 86-687, 1986 1st Sp. Sess., S. 37 83

FORRESTER, NANCY

- Forrester, Nancy, commended—Act 86-738, 1986 1st Sp. Sess., SJR 16 173

FOSTER CARE

Human Resources Dept., assignment of rt. to support owed to children receiving foster care, dept. auth. to bring action to enforce, collection and distrib. reg.—Act 86-686, 1986 1st Sp. Sess., S. 69	81
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FRANKLIN COUNTY

Phil Campbell, corp. limits alt.—Act 86-692, 1986 1st Sp. Sess., H. 125	97
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FREEMAN, HERSHELL B.

Freeman, Hershell B., commended—Act 86-633, 1986 1st Sp. Sess., HJR 7	14
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GAMBLING

Dog race tracks, cert. tax exemptions removed—Act 86-647, 1986 1st Sp. Sess., H. 64	29
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GAME AND FISH

Non-resident annual and trip fishing licenses, age, activities auth., application reg., waters applicable, fees incr., reciprocal fees, exceptions, disposition of fees, penalties, Secs. 9-11-55, 9-11-56 am'd.—Act 86-649, 1986 1st Sp. Sess., S. 11	31
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GASOLINE (See OIL AND GAS)

GENERAL FUND

State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124	26
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GOVERNING BODY, CITY

Fairfield, ad valorem tax for schools, governing body auth. to levy, referendum—Act 86-707, 1986 1st Sp. Sess., S. 28	118
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GOVERNING BODY, COUNTY (See COUNTY COMMISSIONS)

GOVERNOR

Child day care, Governor—Legislative Task force, estab.—Act 86-672, 1986 1st Sp. Sess., HJR 89	65
Legislature, committee created to notify Governor of convening—Act 86-625, 1986 1st Sp. Sess., HJR 2	3
Legislature, jt. session convened to hear Governor's address, committee appt. to escort Governor—Act 86-626, 1986 1st Sp. Sess., HJR 3	3

GRAVES, E. H. "HAMP", JR.

- Graves, E. H., "Hamp", Jr., death mourned—Act 86-678, 1986 1st Sp. Sess., HJR 92 72

GROUBY, ROBERT KEITH

- Grouby, Robert Keith, death mourned—Act 86-694, 1986 1st Sp. Sess., HJR 99 98

HARPER, JOHN TAYLOR

- Harper, John Taylor, welcomed home—Act 86-749, 1986 1st Sp. Sess., SJR 62 184

HEALTH

- Donor organ desig. drivers' licenses, Public Safety Dept. urged to computerize records—Act 86-730, 1986 1st Sp. Sess., SJR 95 .. 165

- Medical facilities, certificate of need application fees incr., Sec. 22-21-271 am'd.—Act 86-688, 1986 1st Sp. Sess., S. 25 86

- Mobile Co., ad valorem tax revenues, cert. portion allocated to Bd. of Health—Act 86-696, 1986 1st Sp. Sess., S. 110 103

HEALTH DEPARTMENT, COUNTY

- Mobile Co., ad valorem tax revenues, cert. portion allocated to Bd. of Health—Act 86-696, 1986 1st Sp. Sess., S. 110 103

HEALTH DEPARTMENT, STATE

- State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124 26

HENDERSON, WILEY P.

- Henderson, Wiley P., commended—Act 86-736, 1986 1st Sp. Sess., SJR 9 171

HIGHWAY DEPARTMENT

- Highway Dept. Contingency Fund and State Insurance Fund, transfer of money from to other st. functions, legis. intent expressed re replenishing Highway Fund—Act 86-754, 1986 1st Sp. Sess., SJR 94 189

- Hubbertville Community, Highway Dept. urged to place on all official st. maps—Act 86-740, 1986 1st Sp. Sess., SJR 31 176

- State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124 26

HIGHWAYS

Dan Beech Road, portion of Washington Co. Road 28, named— Act 86-668, 1986 1st Sp. Sess., HJR 46	62
John Teague Bridge on U. S. Highway 280 at Childersburg, named— Act 86-729, 1986 1st Sp. Sess., SJR 92	164
Marvin Price—Boy Scout Road, portions of Fayette Co. Roads 21, 85 and 80 named—Act 86-755, 1986 1st Sp. Sess., SJR 34	190
Motor vehicle license classification, farm and forest products trucks and tractors weight classification and license cost modified for climatic conditions, Sec. 40-12-248 am'd.—Act 86-687, 1986 1st Sp. Sess., S. 37	83
Randolph Co., referendum re system for construction and main- tenance of co. roads, legis. intent expressed—Act 86-675, 1986 1st Sp. Sess., HJR 79	69
Robinson Springs Road, portion of Highway 143 in Elmore Co., named—Act 86-670, 1986 1st Sp. Sess., HJR 10	64

HOBBS, LOWRY

Hobbs, Lowry, commended—Act 86-642, 1986 1st Sp. Sess., HJR 12	23
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HOLMES, SENATOR AND MRS. DONALD

Holmes, Senator and Mrs. Donald, commended—Act 86-732, 1986 1st Sp. Sess., SJR 98	167
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HOSPITALS

Medical facilities, certificate of need application fees incr., Sec. 22-21-271 am'd.—Act 86-688, 1986 1st Sp. Sess., S. 25	86
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HOUSE, WILLIAM MICHAEL

House, William Michael, commended—Act 86-679, 1986 1st Sp. Sess., HJR 94	73
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HOWARD, ASBURY

Howard, Asbury, death mourned—Act 86-628, 1986 1st Sp. Sess., HJR 78	8
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HUBBERTVILLE COMMUNITY

Hubbertville Community, Highway Dept. urged to place on all official st. maps—Act 86-740, 1986 1st Sp. Sess., SJR 31	176
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HUMAN RESOURCES DEPARTMENT

Human Resources Dept., assignment of rt. to support owed to children receiving foster care, dept. auth. to bring action to enforce, collection and distrib. reg.—Act 86-686, 1986 1st Sp. Sess., S. 69	81
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Human Resources Dept., child support and spousal support programs reg., assignment, collection and distrib. of orders of support, income withholding, Secs. 38-10-2 thru 38-10-9 am'd.—Act 86-709, 1986 1st Sp. Sess., S. 68	120
State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124	26
INCOME TAX (See also TAXATION)	
Dog race tracks, cert. tax exemptions removed—Act 86-647, 1986 1st Sp. Sess., H. 64	29
INDUSTRIAL DEVELOPMENT	
Mobile Co., auth. issue bonds to improve land used by the Navy, industrial and agricultural facilities, courthouse, jail, consti. amend.—Act 86-627, 1986 1st Sp. Sess., H. 48	4
INSURANCE	
Alabama Inst. for Deaf and Blind employees auth. to participate in health insurance benefits provided for public ed. employees, Sec. 16-25A-1 am'd.—Act 86-697, 1986 1st Sp. Sess., S. 103	103
State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124	26
JACKSON COUNTY	
Jackson Co., co. comm. auth. to set fee schedules re issuance of licenses and tags by mail—Act 86-693, 1986 1st Sp. Sess., H. 147	98
Jackson Co., coroner and deputies, comp.—Act 86-630, 1986 1st Sp. Sess., H. 47	11
JEFFERSON COUNTY	
Fairfield, ad valorem tax for schools, governing body auth. to levy, referendum—Act 86-707, 1986 1st Sp. Sess., S. 28	118
Jefferson Co., Bd. of Equalization auth. to notify prop. owners of assessed value by mail, Act 176, 1st Sp. Sess. 1936 am'd.—Act 86-708, 1986 1st Sp. Sess., S. 31	119
Jefferson Co., cert. terms defined, pension bd. auth. to re-open for former membs. to rejoin as new membs., Act 497, Reg. Sess. 1965 am'd.—Act 86-706, 1986 1st Sp. Sess., S. 27	116
Jefferson Co., planning commission, appt. of membs. reg., Act 82-88, Reg. Sess. 1982 am'd.—Act 86-705, 1986 1st Sp. Sess., S. 26	114

JORDAN, NANCY

- Jordan, Nancy, death mourned—Act 86-746, 1986 1st Sp. Sess.,
SJR 60 181

JUDGE, PROBATE

- Jackson Co., co. comm. auth. to set fee schedules re issuance of
licenses and tags by mail—Act 86-693, 1986 1st Sp. Sess.,
H. 147 98
- Probate judges, amt. of official bond req. alt., Sec. 12-13-33 am'd.—
Act 86-682, 1986 1st Sp. Sess., H. 46 76

JUDGMENTS

- Uniform Enforcement of Foreign Judgments Act, adopted—Act
86-713, 1986 1st Sp. Sess., H. 25 127

JUDICIAL ADMINISTRATION

- District courts, appeal procedures in criminal and civil cases reg.,
bonding requirements, dismissal, commitment, Sec. 12-12-70
am'd.—Act 86-723, 1986 1st Sp. Sess., H. 33 146

JUDICIAL CIRCUITS

- 24th Jud. Cir. (Fayette, Lamar, Pickens Cos.), dist. atty., exp.
allow.—Act 86-691, 1986 1st Sp. Sess., H. 123 96

JUVENILES (See also CHILDREN)

- District courts, appeal procedures in criminal and civil cases reg.,
bonding requirements, dismissal, commitment, Sec. 12-12-70
am'd.—Act 86-723, 1986 1st Sp. Sess., H. 33 146

KATZ, JANE L.

- Katz, Jane L., death mourned—Act 86-744, 1986 1st Sp. Sess.,
SJR 54 179

LAMAR COUNTY

- 24th Jud. Cir. (Fayette, Lamar, Pickens Cos.), dist. atty., exp.
allow.—Act 86-691, 1986 1st Sp. Sess., H. 123 96

LAUDERDALE COUNTY

- Lauderdale Co., supernumerary tax assessor and tax collector,
comp.—Act 86-651, 1986 1st Sp. Sess., S. 1 34

LAW ENFORCEMENT OFFICERS (See also SHERIFFS)

- Criminal Justice Information Center, director auth. to appt. em-
ployees as law enforcement officers to enforce laws re system,
Sec. 41-9-621 am'd.—Act 86-714, 1986 1st Sp. Sess., H. 2 129

LEFTWICH, DORIS

- Leftwich, Doris, commended—Act 86-641, 1986 1st Sp. Sess.,
HJR 13 22

LEGISLATIVE COMMITTEES

Child day care, Governor—Legislative Task force, estab.—Act 86-672, 1986 1st Sp. Sess., HJR 89	65
Legislature, committee created to notify Governor of convening—Act 86-625, 1986 1st Sp. Sess., HJR 2	3
Legislature, jt. session convened to hear Governor's address, committee appt. to escort Governor—Act 86-626, 1986 1st Sp. Sess., HJR 3	3
Oil and Gas Study Committee, membership, terms, Act 83-761, Reg. Sess. 1983 am'd.—Act 86-753, 1986 1st Sp. Sess., SJR 8	188

LEGISLATURE

Acts and Journals, number of copies printed and delivered reduced, Sec. 41-4-150 am'd.—Act 86-711, 1986 1st Sp. Sess., H. 39	125
Child day care, Governor—Legislative Task force, estab.—Act 86-672, 1986 1st Sp. Sess., HJR 89	65
Escambia Co., legis. delegation office estab.—Act 86-719, 1986 1st Sp. Sess., H. 8	142
Highway Dept. Contingency Fund and State Insurance Fund, transfer of money from to other st. functions, legis. intent expressed re replenishing Highway Fund—Act 86-754, 1986 1st Sp. Sess., SJR 94	189
Legislature, committee created to notify Governor of convening—Act 86-625, 1986 1st Sp. Sess., HJR 2	3
Legislature, jt. session convened to hear Governor's address, committee appt. to escort Governor—Act 86-626, 1986 1st Sp. Sess., HJR 3	3
Legislature, meeting times—Act 86-683, 1986 1st Sp. Sess., SJR 73	77
Mobile Co., leash law, legis. intent expressed—Act 86-758, 1986 1st Sp. Sess., HJR 44	193
Oil and Gas Study Committee, membership, terms, Act 83-761, Reg. Sess. 1983 am'd.—Act 86-753, 1986 1st Sp. Sess., SJR 8	188
Randolph Co., referendum re system for construction and maintenance of co. roads, legis. intent expressed—Act 86-675, 1986 1st Sp. Sess., HJR 79	69
Teachers' Career Incentive Program, Phase II delayed for one yr., Secs. 16-24A-5, 16-24A-7, 16-24A-8, 16-24A-9, 16-24A-10, 16-24A-12, 16-24A-21, 16-24A-26 am'd.—Act 86-724, 1986 1st Sp. Sess., H. 109	148

LICENSE COMMISSIONER

Supernumerary tax assessors, tax collectors, license commissioners and revenue commissioners, qualifications alt., Sec. 40-6-1 am'd.—Act 86-684, 1986 1st Sp. Sess., S. 2	78
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LICENSES AND LICENSING

Jackson Co., co. comm. auth. to set fee schedules re issuance of licenses and tags by mail—Act 86-693, 1986 1st Sp. Sess., H. 147	98
Motor vehicle license classification, farm and forest products trucks and tractors weight classification and license cost modified for climatic conditions, Sec. 40-12-248 am'd.—Act 86-687, 1986 1st Sp. Sess., S. 37	83
Non-resident annual and trip fishing licenses, age, activities auth., application reg., waters applicable, fees incr., reciprocal fees, exceptions, disposition of fees, penalties, Secs. 9-11-55, 9-11-56 am'd.—Act 86-649, 1986 1st Sp. Sess., S. 11	31

LIENS

Secretary of State, approp. to implement farm product liens central filing system, Farm Crisis and Transition Program and Commission, approp.—Act 86-681, 1986 1st Sp. Sess., H. 58	75
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LIMESTONE COUNTY

Athens, corp. limits alt.—Act 86-659, 1986 1st Sp. Sess., H. 9	46
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LIQUOR (See ALCOHOLIC BEVERAGES)

LITERACY MONTH

Literacy Month, Governor Wallace commended for desig.—Act 86-639, 1986 1st Sp. Sess., HJR 40	20
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LIUZZO, VIOLA

Liuzzo, Viola, death commemorated—Act 86-743, 1986 1st Sp. Sess., SJR 50	178
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LOANS

Agriculture Development Authority, low interest loans to farmers, cert. terms replaced and defined, refinancing indebtedness auth., Secs. 2-3A-2, 2-3A-7 am'd.—Act 86-725, 1986 1st Sp. Sess., H. 126	157
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MACON COUNTY

Macon Co., co. comm. chairman, election of, legis. intent expressed—Act 86-674, 1986 1st Sp. Sess., HJR 84	69
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MARVIN PRICE—BOY SCOUT ROAD

Marvin Price—Boy Scout Road, portions of Fayette Co. Roads 21, 85 and 80 named—Act 86-755, 1986 1st Sp. Sess., SJR 34	190
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MCCLENDON, GLENN R.

McClendon, Glenn R., death mourned—Act 86-667, 1986 1st Sp. Sess., HJR 59	60
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MCKINNEY, E. M. "MAC"

McKinney, E. M. "Mac", death mourned—Act 86-726, 1986 1st Sp. Sess., SJR 82 161

McKinney, E. M. "Mac", death mourned—Act 86-728, 1986 1st Sp. Sess., SJR 87 163

MEANS, STEVE

Means, Steve, commended—Act 86-635, 1986 1st Sp. Sess., HJR 5 16

MEDICAID AGENCY

State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124 26

MEDICINE

Medical facilities, certificate of need application fees incr., Sec. 22-21-271 am'd.—Act 86-688, 1986 1st Sp. Sess., S. 25 86

MENTAL HEALTH AND MENTAL RETARDATION DEPARTMENT

State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124 26

MERIT SYSTEMS (See CIVIL SERVICE SYSTEMS)

MILITARY

Alcoholic beverages, possession by cert. persons with military status reg.—Act 86-648, 1986 1st Sp. Sess., H. 132 29

MINORS

Alcoholic beverages, possession by cert. persons with military status reg.—Act 86-648, 1986 1st Sp. Sess., H. 132 29

MOBILE BAY

Mobile Co., auth. issue bonds to improve land used by the Navy, industrial and agricultural facilities, courthouse, jail, consti. amend.—Act 86-627, 1986 1st Sp. Sess., H. 48 4

MOBILE COUNTY

Mobile Co., ad valorem tax revenues, cert. portion allocated to Bd. of Health—Act 86-696, 1986 1st Sp. Sess., S. 110 103

Mobile Co., auth. issue bonds to improve land used by the Navy, industrial and agricultural facilities, courthouse, jail, consti. amend.—Act 86-627, 1986 1st Sp. Sess., H. 48 4

Mobile Co., leash law, legis. intent expressed—Act 86-758, 1986 1st Sp. Sess., HJR 44	193
MOTOR VEHICLES	
Donor organ desig. drivers' licenses, Public Safety Dept. urged to computerize records—Act 86-730, 1986 1st Sp. Sess., SJR 95 ..	165
Jackson Co., co. comm. auth. to set fee schedules re issuance of licenses and tags by mail—Act 86-693, 1986 1st Sp. Sess., H. 147	98
Motor vehicle license classification, farm and forest products trucks and tractors weight classification and license cost modified for climatic conditions, Sec. 40-12-248 am'd.—Act 86-687, 1986 1st Sp. Sess., S. 37	83
MUNICIPALITIES	
Municipal fire, water, sewer, waste disposal authorities, directors not req. to reside in appointing mun., Sec. 11-88-6 am'd.—Act 86-717, 1986 1st Sp. Sess., H. 102	135
Municipal interest bearing warrants, maximum maturity date alt., alter what revenues may be pledged to secure said warrants, Sec. 11-47-2 am'd.—Act 86-712, 1986 1st Sp. Sess., H. 27	126
Social Security, interest on delinquent payments due the st. by cert. political subdivisions incr., Sec. 38-28-5 am'd.—Act 86-710, 1986 1st Sp. Sess., H. 45	125
NEWTON, JAMES VANDIVER	
Newton, James Vandiver, death mourned—Act 86-655, 1986 1st Sp. Sess., SJR 22	38
Newton, James Vandiver, death mourned—Act 86-666, 1986 1st Sp. Sess., HJR 66	59
NUNGESTER, GARROLD H., JR.	
Nungester, Garrold H., Jr., death mourned—Act 86-662, 1986 1st Sp. Sess., HJR 71	53
OIL AND GAS	
Oil and Gas Study Committee, membership, terms, Act 83-761, Reg. Sess. 1983 am'd.—Act 86-753, 1986 1st Sp. Sess., SJR 8	188
Petroleum inspection fees, state treasurer to make distrib., Sec. 8- 17-91 am'd.—Act 86-716, 1986 1st Sp. Sess., H. 114	132
PARDONS AND PAROLES BOARD	
Parolees and probationers, contribs. req. to pay for own supervision incr., Sec. 15-22-2 am'd.—Act 86-704, 1986 1st Sp. Sess., S. 18	113
PARSONS, JAMES H.	
Parsons, James H., commended—Act 86-748, 1986 1st Sp. Sess., SJR 63	183

PATTERSON, HUGH S.	
Patterson, Hugh S., death mourned—Act 86-631, 1986 1st Sp. Sess., HJR 9	12
PEACE CORPS	
Peace Corps volunteers, commended—Act 86-676, 1986 1st Sp. Sess., HJR 76	70
PETROLEUM (See OIL AND GAS)	
PHIL CAMPBELL, CITY OF	
Phil Campbell, corp. limits alt.—Act 86-692, 1986 1st Sp. Sess., H. 125	97
PICKENS COUNTY	
24th Jud. Cir. (Fayette, Lamar, Pickens Cos.), dist. atty., exp. allow.—Act 86-691, 1986 1st Sp. Sess., H. 123	96
PLANNING COMMISSIONS	
Jefferson Co., planning commission, appt. of membs. reg., Act 82-88, Reg. Sess. 1982 am'd.—Act 86-705, 1986 1st Sp. Sess., S. 26	114
POLICE (See LAW ENFORCEMENT OFFICERS)	
PRINTING	
Acts and Journals, number of copies printed and delivered reduced, Sec. 41-4-150 am'd.—Act 86-711, 1986 1st Sp. Sess., H. 39	125
PRISONS AND PRISONERS	
District courts, appeal procedures in criminal and civil cases reg., bonding requirements, dismissal, commitment, Sec. 12-12-70 am'd.—Act 86-723, 1986 1st Sp. Sess., H. 33	146
Parolees and probationers, contribs. req. to pay for own supervision incr., Sec. 15-22-2 am'd.—Act 86-704, 1986 1st Sp. Sess., S. 18	113
PUBLIC SAFETY DEPARTMENT	
Donor organ desig. drivers' licenses, Public Safety Dept. urged to computerize records—Act 86-730, 1986 1st Sp. Sess., SJR 95 ..	165
RACE TRACKS	
Dog race tracks, cert. tax exemptions removed—Act 86-647, 1986 1st Sp. Sess., H. 64	29
RANDOLPH COUNTY	
Randolph Co., co. employees who are membs. of employee retirement system, prior credit for cert. membs. auth.—Act 86-629, 1986 1st Sp. Sess., H. 31	10
Randolph Co., co. employees who are membs. of employee retirement system, prior credit for cert. membs. auth.—Act 86-701, 1986 1st Sp. Sess., S. 92	108

Randolph Co., referendum re system for construction and maintenance of co. roads, legis. intent expressed—Act 86-675, 1986 1st Sp. Sess., HJR 79	69
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REAL PROPERTY

Jefferson Co., Bd. of Equalization auth. to notify prop. owners of assessed value by mail, Act 176, 1st Sp. Sess. 1936 am'd.—Act 86-708, 1986 1st Sp. Sess., S. 31	119
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REFERENDUMS (See also ELECTIONS)

Coffee Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-718, 1986 1st Sp. Sess., H. 73	137
Dale Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-695, 1986 1st Sp. Sess., S. 106	100
Escambia Co., co. comm. to hold referendum re redistricting co. comm., co. comm. bound by results—Act 86-721, 1986 1st Sp. Sess., H. 4	145
Fairfield, ad valorem tax for schools, governing body auth. to levy, referendum—Act 86-707, 1986 1st Sp. Sess., S. 28	118
Randolph Co., referendum re system for construction and maintenance of co. roads, legis. intent expressed—Act 86-675, 1986 1st Sp. Sess., HJR 79	69

RENTZ, CHARLES

Rentz, Charles, death mourned—Act 86-751, 1986 1st Sp. Sess., SJR 71	186
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RESOLUTION, CONDOLENCE

Dearman, Wilbur E., death mourned—Act 86-660, 1986 1st Sp. Sess., HJR 74	51
Graves, E. H., “Hamp”, Jr., death mourned—Act 86-678, 1986 1st Sp. Sess., HJR 92	72
Grouby, Robert Keith, death mourned—Act 86-694, 1986 1st Sp. Sess., HJR 99	98
Howard, Asbury, death mourned—Act 86-628, 1986 1st Sp. Sess., HJR 78	8
Jordan, Nancy, death mourned—Act 86-746, 1986 1st Sp. Sess., SJR 60	181
Katz, Jane L., death mourned—Act 86-744, 1986 1st Sp. Sess., SJR 54	179
Liuzzo, Viola, death commemorated—Act 86-743, 1986 1st Sp. Sess., SJR 50	178
McClendon, Glenn R., death mourned—Act 86-667, 1986 1st Sp. Sess., HJR 59	60

McKinney, E. M. "Mac", death mourned—Act 86-726, 1986 1st Sp. Sess., SJR 82	161
McKinney, E. M. "Mac", death mourned—Act 86-728, 1986 1st Sp. Sess., SJR 87	163
Newton, James Vandiver, death mourned—Act 86-655, 1986 1st Sp. Sess., SJR 22	38
Newton, James Vandiver, death mourned—Act 86-666, 1986 1st Sp. Sess., HJR 66	59
Nungester, Garrold H., Jr., death mourned—Act 86-662, 1986 1st Sp. Sess., HJR 71	53
Patterson, Hugh S., death mourned—Act 86-631, 1986 1st Sp. Sess., HJR 9	12
Rentz, Charles, death mourned—Act 86-751, 1986 1st Sp. Sess., SJR 71	186
Rutherford, James Arthur, Jr., death mourned—Act 86-640, 1986 1st Sp. Sess., HJR 14	21
Ventress, Edward Cecil, death mourned—Act 86-677, 1986 1st Sp. Sess., HJR 91	71
RESOLUTION, CONGRATULATORY	
Alabama Institute for Deaf and Blind, commended—Act 86-654, 1986 1st Sp. Sess., SJR 20	37
American Candy Company, commended—Act 86-665, 1986 1st Sp. Sess., HJR 67	57
Bay Minette Water System, commended—Act 86-756, 1986 1st Sp. Sess., HJR 105	191
Bean, Mr. and Mrs. Henry M., commended—Act 86-757, 1986 1st Sp. Sess., HJR 110	192
Bell, Christina Ann, commended—Act 86-663, 1986 1st Sp. Sess., HJR 70	54
Buchanan, Marie, commended—Act 86-750, 1986 1st Sp. Sess., SJR 70	185
Bush Hog Implements, commended—Act 86-735, 1986 1st Sp. Sess., SJR 7	170
Callahan, Angela, commended—Act 86-734, 1986 1st Sp. Sess., SJR 6	168
Crooks, C. Thomas, III, commended—Act 86-638, 1986 1st Sp. Sess., HJR 45	19
Demopolis Academy baseball team, commended—Act 86-727, 1986 1st Sp. Sess., SJR 83	162

Demopolis High School baseball team, commended—Act 86-752, 1986 1st Sp. Sess., SJR 72	187
Ex-Prisoners-of-War, honored—Act 86-680, 1986 1st Sp. Sess., HJR 96	75
Fears, Davis Andrew, commended—Act 86-671, 1986 1st Sp. Sess., HJR 81	64
Forrester, Nancy, commended—Act 86-738, 1986 1st Sp. Sess., SJR 16	173
Freeman, Hershell B., commended—Act 86-633, 1986 1st Sp. Sess., HJR 7	14
Harper, John Taylor, welcomed home—Act 86-749, 1986 1st Sp. Sess., SJR 62	184
Henderson, Wiley P., commended—Act 86-736, 1986 1st Sp. Sess., SJR 9	171
Hobbs, Lowry, commended—Act 86-642, 1986 1st Sp. Sess., HJR 12	23
Holmes, Senator and Mrs. Donald, commended—Act 86-732, 1986 1st Sp. Sess., SJR 98	167
House, William Michael, commended—Act 86-679, 1986 1st Sp. Sess., HJR 94	73
Leftwich, Doris, commended—Act 86-641, 1986 1st Sp. Sess., HJR 13	22
Literacy Month, Governor Wallace commended for desig.—Act 86- 639, 1986 1st Sp. Sess., HJR 40	20
Means, Steve, commended—Act 86-635, 1986 1st Sp. Sess., HJR 5	16
Parsons, James H., commended—Act 86-748, 1986 1st Sp. Sess., SJR 63	183
Peace Corps volunteers, commended—Act 86-676, 1986 1st Sp. Sess., HJR 76	70
Reynolds, Tony, commended—Act 86-632, 1986 1st Sp. Sess., HJR 8	13
Schweitzer, Wayne F., commended—Act 86-664, 1986 1st Sp. Sess., HJR 69	55
Sego, Frank, commended—Act 86-747, 1986 1st Sp. Sess., SJR 61 ..	182
Sizemore, George, commended—Act 86-634, 1986 1st Sp. Sess., HJR 6	15
Slatton, John, commended—Act 86-741, 1986 1st Sp. Sess., SJR 32	176

St. Margaret's Hospital, commended—Act 86-737, 1986 1st Sp. Sess., SJR 12	172
St. Margaret's Hospital, commended—Act 86-760, 1986 1st Sp. Sess., HJR 47	195
Staples, Anna Louise Morriss, commended—Act 86-661, 1986 1st Sp. Sess., HJR 72	52
Sweetwater High School baseball team, commended—Act 86-745, 1986 1st Sp. Sess., SJR 59	180
Taylor, Mr. and Mrs. James Melvin, commended—Act 86-643, 1986 1st Sp. Sess., HJR 51	24
Troy State University baseball team, commended—Act 86-636, 1986 1st Sp. Sess., HJR 49	17
Troy State University golf team, commended—Act 86-637, 1986 1st Sp. Sess., HJR 48	18
Troy State University, commended—Act 86-653, 1986 1st Sp. Sess., SJR 21	36
University of Montevallo, commended—Act 86-731, 1986 1st Sp. Sess., SJR 96	166
Vandiver, Donnie, commended—Act 86-742, 1986 1st Sp. Sess., SJR 33	177
Vestavia Hills, commended—Act 86-673, 1986 1st Sp. Sess., HJR 87	68
Wesley, Ralph N., commended—Act 86-644, 1986 1st Sp. Sess., HJR 50	25
RESOLUTION, DESIGNATION	
Baldwin Co., Blue Grass Hall of Fame, named—Act 86-733, 1986 1st Sp. Sess., SJR 103	168
Dan Beech Road, portion of Washington Co. Road 28, named—Act 86-668, 1986 1st Sp. Sess., HJR 46	62
John Teague Bridge on U. S. Highway 280 at Childersburg, named—Act 86-729, 1986 1st Sp. Sess., SJR 92	164
Marvin Price—Boy Scout Road, portions of Fayette Co. Roads 21, 85 and 80 named—Act 86-755, 1986 1st Sp. Sess., SJR 34	190
Robinson Springs Road, portion of Highway 143 in Elmore Co., named—Act 86-670, 1986 1st Sp. Sess., HJR 10	64
White Cane Safety Day, desig.—Act 86-739, 1986 1st Sp. Sess., SJR 30	174
RESOLUTION, LEGISLATIVE	
Child day care, Governor—Legislative Task force, estab.—Act 86-672, 1986 1st Sp. Sess., HJR 89	65
Donor organ desig. drivers' licenses, Public Safety Dept. urged to computerize records—Act 86-730, 1986 1st Sp. Sess., SJR 95 ..	165

Drought crisis in Alabama, appreciation expressed re nationwide response—Act 86-759, 1986 1st Sp. Sess., HJR 111	193
Highway Dept. Contingency Fund and State Insurance Fund, transfer of money from to other st. functions, legis. intent expressed re replenishing Highway Fund—Act 86-754, 1986 1st Sp. Sess., SJR 94	189
Hubbertville Community, Highway Dept. urged to place on all official st. maps—Act 86-740, 1986 1st Sp. Sess., SJR 31	176
Legislature, committee created to notify Governor of convening—Act 86-625, 1986 1st Sp. Sess., HJR 2	3
Legislature, jt. session convened to hear Governor's address, committee appt. to escort Governor—Act 86-626, 1986 1st Sp. Sess., HJR 3	3
Legislature, meeting times—Act 86-683, 1986 1st Sp. Sess., SJR 73	77
Macon Co., co. comm. chairman, election of, legis. intent expressed—Act 86-674, 1986 1st Sp. Sess., HJR 84	69
Mobile Co., leash law, legis. intent expressed—Act 86-758, 1986 1st Sp. Sess., HJR 44	193
Oil and Gas Study Committee, membership, terms, Act 83-761, Reg. Sess. 1983 am'd.—Act 86-753, 1986 1st Sp. Sess., SJR 8	188
Randolph Co., referendum re system for construction and maintenance of co. roads, legis. intent expressed—Act 86-675, 1986 1st Sp. Sess., HJR 79	69
Southeast Compact Commission, memorialized re ranking of Alabama—Act 86-669, 1986 1st Sp. Sess., HJR 11	63
Tuscaloosa Co., election date for consti. amend. levying cert. school taxes alt.—Act 86-646, 1986 1st Sp. Sess., SJR 93	28

RETIREMENT

Jefferson Co., cert. terms defined, pension bd. auth. to re-open for former membs. to rejoin as new membs., Act 497, Reg. Sess. 1965 am'd.—Act 86-706, 1986 1st Sp. Sess., S. 27	116
Lauderdale Co., supernumerary tax assessor and tax collector, comp.—Act 86-651, 1986 1st Sp. Sess., S. 1	34
Randolph Co., co. employees who are membs. of employee retirement system, prior credit for cert. membs. auth.—Act 86-629, 1986 1st Sp. Sess., H. 31	10
Randolph Co., co. employees who are membs. of employee retirement system, prior credit for cert. membs. auth.—Act 86-701, 1986 1st Sp. Sess., S. 92	108

State Retirement System, auth. to provide any tax deferred savings plan auth. by federal gov't. for public employees covered by a mandatory public pension plan, Secs. 36-27A-1, 36-27A-2, 36-27A-3, 36-27A-6 am'd.—Act 86-685, 1986 1st Sp. Sess., S. 53	80
Supernumerary tax assessors, tax collectors, license commissioners and revenue commissioners, qualifications alt., Sec. 40-6-1 am'd.— Act 86-684, 1986 1st Sp. Sess., S. 2	78
REVENUE COMMISSIONER	
Supernumerary tax assessors, tax collectors, license commissioners and revenue commissioners, qualifications alt., Sec. 40-6-1 am'd.— Act 86-684, 1986 1st Sp. Sess., S. 2	78
REYNOLDS, TONY	
Reynolds, Tony, commended—Act 86-632, 1986 1st Sp. Sess., HJR 8	13
ROBINSON SPRINGS ROAD	
Robinson Springs Road, portion of Highway 143 in Elmore Co., named—Act 86-670, 1986 1st Sp. Sess., HJR 10	64
RUSSELL COUNTY	
Russell Co., sheriff, comp.—Act 86-657, 1986 1st Sp. Sess., H. 16 ...	45
RUTHERFORD, JAMES ARTHUR, JR.	
Rutherford, James Arthur, Jr., death mourned—Act 86-640, 1986 1st Sp. Sess., HJR 14	21
SALES TAX (See also TAXATION)	
Covington Co., sales tax, co. comm. auth. to levy, distrib.—Act 86-703, 1986 1st Sp. Sess., S. 17	109
Dog race tracks, cert. tax exemptions removed—Act 86-647, 1986 1st Sp. Sess., H. 64	29
Sales Tax Law, cert. terms further defined, Sec. 40-23-1 am'd.— Act 86-689, 1986 1st Sp. Sess., H. 61	87
Use Tax Law, cert. terms further defined, Sec. 40-23-60 am'd.— Act 86-690, 1986 1st Sp. Sess., H. 62	93
SCHOOLS (See also EDUCATION)	
Fairfield, ad valorem tax for schools, governing body auth. to levy, referendum—Act 86-707, 1986 1st Sp. Sess., S. 28	118
Refunding warrants issued by local bds. of ed., amt. auth. to be issued reg., Sec. 16-13-72 am'd.—Act 86-652, 1986 1st Sp. Sess., S. 6	35
School warrants secured by sp. co. or dist. taxes, amt. auth. to be issued reg., Sec. 16-13-90 am'd.—Act 86-650, 1986 1st Sp. Sess., S. 7	33

Teachers' Career Incentive Program, Phase II delayed for one yr., Secs. 16-24A-5, 16-24A-7, 16-24A-8, 16-24A-9, 16-24A-10, 16-24A-12, 16-24A-21, 16-24A-26 am'd.—Act 86-724, 1986 1st Sp. Sess., H. 109	148
SCHWEITZER, WAYNE F.	
Schweitzer, Wayne F., commended—Act 86-664, 1986 1st Sp. Sess., HJR 69	55
SECRETARY OF STATE	
Acts and Journals, number of copies printed and delivered reduced, Sec. 41-4-150 am'd.—Act 86-711, 1986 1st Sp. Sess., H. 39	125
Secretary of State, approp. to implement farm product liens central filing system, Farm Crisis and Transition Program and Commission, approp.—Act 86-681, 1986 1st Sp. Sess., H. 58	75
SECURED INTEREST	
Secretary of State, approp. to implement farm product liens central filing system, Farm Crisis and Transition Program and Commission, approp.—Act 86-681, 1986 1st Sp. Sess., H. 58	75
SEGO, FRANK	
Sego, Frank, commended—Act 86-747, 1986 1st Sp. Sess., SJR 61 ..	182
SHERIFFS	
Russell Co., sheriff, comp.—Act 86-657, 1986 1st Sp. Sess., H. 16 ...	45
SIZEMORE, GEORGE	
Sizemore, George, commended—Act 86-634, 1986 1st Sp. Sess., HJR 6	15
SLATTON, JOHN	
Slatton, John, commended—Act 86-741, 1986 1st Sp. Sess., SJR 32	176
SOCIAL SECURITY	
Social Security, interest on delinquent payments due the st. by cert. political subdivisions incr., Sec. 38-28-5 am'd.—Act 86-710, 1986 1st Sp. Sess., H. 45	125
SOUTHEAST COMPACT COMMISSION	
Southeast Compact Commission, memorialized re ranking of Alabama—Act 86-669, 1986 1st Sp. Sess., HJR 11	63
SPOUSAL SUPPORT	
Human Resources Dept., child support and spousal support programs reg., assignment, collection and distrib. of orders of support, income withholding, Secs. 38-10-2 thru 38-10-9 am'd.—Act 86-709, 1986 1st Sp. Sess., S. 68	120

ST. MARGARET'S HOSPITAL

St. Margaret's Hospital, commended—Act 86-737, 1986 1st Sp. Sess., SJR 12	172
St. Margaret's Hospital, commended—Act 86-760, 1986 1st Sp. Sess., HJR 47	195

STAPLES, ANNA LOUISE MORRISS

Staples, Anna Louise Morriss, commended—Act 86-661, 1986 1st Sp. Sess., HJR 72	52
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STATE AGENCIES

State employees suggestion award program, non-merit system employees auth. to participate, Sec. 36-1-7 am'd.—Act 86-700, 1986 1st Sp. Sess., S. 90	106
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STATE EMPLOYEES

Criminal Justice Information Center, director auth. to appt. employees as law enforcement officers to enforce laws re system, Sec. 41-9-621 am'd.—Act 86-714, 1986 1st Sp. Sess., H. 2	129
State employees suggestion award program, non-merit system employees auth. to participate, Sec. 36-1-7 am'd.—Act 86-700, 1986 1st Sp. Sess., S. 90	106
State Retirement System, auth. to provide any tax deferred savings plan auth. by federal gov't. for public employees covered by a mandatory public pension plan, Secs. 36-27A-1, 36-27A-2, 36-27A-3, 36-27A-6 am'd.—Act 86-685, 1986 1st Sp. Sess., S. 53	80

STATE FUNDS

Highway Dept. Contingency Fund and State Insurance Fund, transfer of money from to other st. functions, legis. intent expressed re replenishing Highway Fund—Act 86-754, 1986 1st Sp. Sess., SJR 94	189
Social Security, interest on delinquent payments due the st. by cert. political subdivisions incr., Sec. 38-28-5 am'd.—Act 86-710, 1986 1st Sp. Sess., H. 45	125
State employees suggestion award program, non-merit system employees auth. to participate, Sec. 36-1-7 am'd.—Act 86-700, 1986 1st Sp. Sess., S. 90	106
State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124	26

STATE INSURANCE FUND

State Insurance Fund and Highway Dept. Contingency Fund, funds transferred to Mental Health and Mental Retardation Dept., Medicaid Agency, Health Dept., Human Resources Dept., and general fund, repayment provision—Act 86-645, 1986 1st Sp. Sess., H. 124	26
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STATE PARKS

State park concession contracts, exemption from competitive bid req. for cert. short-term concession operations, Sec. 9-14-29 am'd.—Act 86-715, 1986 1st Sp. Sess., H. 15	131
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STATE TREASURER

Petroleum inspection fees, state treasurer to make distrib., Sec. 8-17-91 am'd.—Act 86-716, 1986 1st Sp. Sess., H. 114	132
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SUPERNUMERARIES

Lauderdale Co., supernumerary tax assessor and tax collector, comp.—Act 86-651, 1986 1st Sp. Sess., S. 1	34
Supernumerary tax assessors, tax collectors, license commissioners and revenue commissioners, qualifications alt., Sec. 40-6-1 am'd.—Act 86-684, 1986 1st Sp. Sess., S. 2	78

SWEETWATER HIGH SCHOOL

Sweetwater High School baseball team, commended—Act 86-745, 1986 1st Sp. Sess., SJR 59	180
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TAX ASSESSOR

Lauderdale Co., supernumerary tax assessor and tax collector, comp.—Act 86-651, 1986 1st Sp. Sess., S. 1	34
Supernumerary tax assessors, tax collectors, license commissioners and revenue commissioners, qualifications alt., Sec. 40-6-1 am'd.—Act 86-684, 1986 1st Sp. Sess., S. 2	78

TAX COLLECTOR

Lauderdale Co., supernumerary tax assessor and tax collector, comp.—Act 86-651, 1986 1st Sp. Sess., S. 1	34
Supernumerary tax assessors, tax collectors, license commissioners and revenue commissioners, qualifications alt., Sec. 40-6-1 am'd.—Act 86-684, 1986 1st Sp. Sess., S. 2	78

TAXATION

Coffee Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-718, 1986 1st Sp. Sess., H. 73	137
Covington Co., sales tax, co. comm. auth. to levy, distrib.—Act 86-703, 1986 1st Sp. Sess., S. 17	109

Dale Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-695, 1986 1st Sp. Sess., S. 106	100
Dog race tracks, cert. tax exemptions removed—Act 86-647, 1986 1st Sp. Sess., H. 64	29
Fairfield, ad valorem tax for schools, governing body auth. to levy, referendum—Act 86-707, 1986 1st Sp. Sess., S. 28	118
Jackson Co., co. comm. auth. to set fee schedules re issuance of licenses and tags by mail—Act 86-693, 1986 1st Sp. Sess., H. 147	98
Jefferson Co., Bd. of Equalization auth. to notify prop. owners of assessed value by mail, Act 176, 1st Sp. Sess. 1936 am'd.—Act 86-708, 1986 1st Sp. Sess., S. 31	119
Mobile Co., ad valorem tax revenues, cert. portion allocated to Bd. of Health—Act 86-696, 1986 1st Sp. Sess., S. 110	103
Sales Tax Law, cert. terms further defined, Sec. 40-23-1 am'd.—Act 86-689, 1986 1st Sp. Sess., H. 61	87
State Retirement System, auth. to provide any tax deferred savings plan auth. by federal gov't. for public employees covered by a mandatory public pension plan, Secs. 36-27A-1, 36-27A-2, 36-27A-3, 36-27A-6 am'd.—Act 86-685, 1986 1st Sp. Sess., S. 53	80
Supernumerary tax assessors, tax collectors, license commissioners and revenue commissioners, qualifications alt., Sec. 40-6-1 am'd.—Act 86-684, 1986 1st Sp. Sess., S. 2	78
Tuscaloosa Co., election date for consti. amend. levying cert. school taxes alt.—Act 86-646, 1986 1st Sp. Sess., SJR 93	28
Use Tax Law, cert. terms further defined, Sec. 40-23-60 am'd.—Act 86-690, 1986 1st Sp. Sess., H. 62	93
TAYLOR, MR. AND MRS. JAMES MELVIN	
Taylor, Mr. and Mrs. James Melvin, commended—Act 86-643, 1986 1st Sp. Sess., HJR 51	24
TEACHERS (See also EDUCATION)	
State Retirement System, auth. to provide any tax deferred savings plan auth. by federal gov't. for public employees covered by a mandatory public pension plan, Secs. 36-27A-1, 36-27A-2, 36-27A-3, 36-27A-6 am'd.—Act 86-685, 1986 1st Sp. Sess., S. 53	80
Teachers' Career Incentive Program, Phase II delayed for one yr., Secs. 16-24A-5, 16-24A-7, 16-24A-8, 16-24A-9, 16-24A-10, 16-24A-12, 16-24A-21, 16-24A-26 am'd.—Act 86-724, 1986 1st Sp. Sess., H. 109	148
TEAGUE, JOHN	
John Teague Bridge on U. S. Highway 280 at Childersburg, named—Act 86-729, 1986 1st Sp. Sess., SJR 92	164

TOBACCO

- Coffee Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-718, 1986 1st Sp. Sess., H. 73 137
- Dale Co., tobacco tax, co. comm. auth. to levy, referendum—Act 86-695, 1986 1st Sp. Sess., S. 106 100

TROY STATE UNIVERSITY

- Troy State University baseball team, commended—Act 86-636, 1986 1st Sp. Sess., HJR 49 17
- Troy State University golf team, commended—Act 86-637, 1986 1st Sp. Sess., HJR 48 18
- Troy State University, commended—Act 86-653, 1986 1st Sp. Sess., SJR 21 36

TUSCALOOSA COUNTY

- Tuscaloosa Co., election date for consti. amend. levying cert. school taxes alt.—Act 86-646, 1986 1st Sp. Sess., SJR 93 28
- Tuscaloosa Co., fire district, procedure to estab., bd. membs., duties, powers, auth. to levy cert. fees—Act 86-656, 1986 1st Sp. Sess., H. 12 39

U.S. MAILS

- Jackson Co., co. comm. auth. to set fee schedules re issuance of licenses and tags by mail—Act 86-693, 1986 1st Sp. Sess., H. 147 98
- Jefferson Co., Bd. of Equalization auth. to notify prop. owners of assessed value by mail, Act 176, 1st Sp. Sess. 1936 am'd.—Act 86-708, 1986 1st Sp. Sess., S. 31 119

UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS

- Uniform Enforcement of Foreign Judgments Act, adopted—Act 86-713, 1986 1st Sp. Sess., H. 25 127

UNIVERSITY OF MONTEVALLO

- University of Montevallo, commended—Act 86-731, 1986 1st Sp. Sess., SJR 96 166

VANDIVER, DONNIE

- Vandiver, Donnie, commended—Act 86-742, 1986 1st Sp. Sess., SJR 33 177

VENTRESS, EDWARD CECIL

- Ventress, Edward Cecil, death mourned—Act 86-677, 1986 1st Sp. Sess., HJR 91 71

VESTAVIA HILLS, CITY OF

- Vestavia Hills, commended—Act 86-673, 1986 1st Sp. Sess., HJR 87 68

WARRANTS

Municipal interest bearing warrants, maximum maturity date alt., alter what revenues may be pledged to secure said warrants, Sec. 11-47-2 am'd.—Act 86-712, 1986 1st Sp. Sess., H. 27	126
Refunding warrants issued by local bds. of ed., amt. auth. to be issued reg., Sec. 16-13-72 am'd.—Act 86-652, 1986 1st Sp. Sess., S. 6	35
School warrants secured by sp. co. or dist. taxes, amt. auth. to be issued reg., Sec. 16-13-90 am'd.—Act 86-650, 1986 1st Sp. Sess., S. 7	33

WASTES

Municipal fire, water, sewer, waste disposal authorities, directors not req. to reside in appointing mun., Sec. 11-88-6 am'd.—Act 86-717, 1986 1st Sp. Sess., H. 102	135
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WATER AND SEWER SYSTEMS

Municipal fire, water, sewer, waste disposal authorities, directors not req. to reside in appointing mun., Sec. 11-88-6 am'd.—Act 86-717, 1986 1st Sp. Sess., H. 102	135
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WATER AND WATERCOURSES

Non-resident annual and trip fishing licenses, age, activities auth., application reg., waters applicable, fees incr., reciprocal fees, exceptions, disposition of fees, penalties, Secs. 9-11-55, 9-11-56 am'd.—Act 86-649, 1986 1st Sp. Sess., S. 11	31
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WESLEY, RALPH N.

Wesley, Ralph N., commended—Act 86-644, 1986 1st Sp. Sess., HJR 50	25
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WHITE CANE SAFETY DAY

White Cane Safety Day, desig.—Act 86-739, 1986 1st Sp. Sess., SJR 30	174
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